

EIGHTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 9, 2015

The Senate was called to order at 11:00 o'clock a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exceptions of Senator Baumgartner, Hargrove, Hill and Hobbs.

The Sergeant at Arms Color Guard consisting of Pages Yasmine Naini and Ashley Tash-Kari, presented the Colors. Pastor James Maulsby of Oakridge Ministries in Rainier offered the prayer.

MOTION

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

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 8, 2015

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5023,
 SENATE BILL NO. 5031,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5083,
 SENATE BILL NO. 5088,
 SENATE BILL NO. 5144,
 SUBSTITUTE SENATE BILL NO. 5165,
 SUBSTITUTE SENATE BILL NO. 5175,
 SENATE BILL NO. 5176,
 SENATE BILL NO. 5238,
 SUBSTITUTE SENATE BILL NO. 5294,
 SUBSTITUTE SENATE BILL NO. 5296,
 SENATE BILL NO. 5337,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5346,
 ENGROSSED SENATE BILL NO. 5424,
 SUBSTITUTE SENATE BILL NO. 5438,
 ENGROSSED SENATE BILL NO. 5504,
 SENATE BILL NO. 5532,
 SENATE BILL NO. 5556

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 8, 2015

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 2212.

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed students and educators from the American School Foundation (ASF) in Mexico City and others who were present in the gallery and recognized by the senate.

Established in 1888, the ASF is a preeminent English-speaking college preparatory school. The group was accompanied by Mr. Eduardo Baca, Consul General of Mexico in Seattle, Mr. John Gokcen, a representative of the Turkish community, and their Washington State peers as they engaged in a cross-cultural educational exchange program.

MOTION

Senator Habib moved adoption of the following resolution:

SENATE RESOLUTION

8662

By Senators Habib and Roach

WHEREAS, The spring equinox is celebrated as Nowruz, the Persian New Year, a celebration which originated in ancient Persia more than 3,000 years ago, and which was celebrated this year on March 21st; and

WHEREAS, Nowruz is celebrated by nearly 300 million people of different faiths and diverse communities across the globe, and by more than 1,000,000 Iranian-Americans, including tens of thousands in Washington State and including those with Bahá'í, Christian, Jewish, Muslim, Zoroastrian, and nonreligious backgrounds; and

WHEREAS, The United States is a melting pot of ethnicities and religions, and Nowruz contributes to the richness of American culture and is consistent with our founding principles of peace and prosperity for all; and

WHEREAS, Iranian-Americans have made and continue to make noteworthy and lasting contributions to the social and economic fabric of society in the United States, and Nowruz presents a time to recognize those contributions; and

WHEREAS, Iranian-Americans continue to make contributions in all sectors of public life in the United States, including as government, military, and law enforcement officials working to uphold the Constitution of the United States and to protect all people in the United States; and

WHEREAS, Nowruz means "New Day," and represents an opportunity for renewal and reaffirmation of our commitment to each other and to our shared health, success, and happiness; and

WHEREAS, Nowruz is a time for all of us to come together and celebrate the values of virtuous behavior and compassion for our fellow human beings regardless of religion or ethnicity;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the honored holiday of Nowruz, recognize the historical and cultural significance thereof, and wish a happy and prosperous new year to all.

Senators Habib, Jayapal, Roach, Fraser, Baumgartner and McAuliffe spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Senator Habib's parents: The Honorable Susan Amini, King County Superior Court Judge and Mr. Mo Habib; and members of the Persian community in Washington who were present in the gallery.

Senator Fain announced a meeting of the Majority Coalition Caucus immediately upon going at ease and requested those members to bring their new regular calendars.

Senator Cleveland announced a meeting of the Senate Democratic Caucus immediately upon going at ease.

MOTION

At 11:22 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:22 p.m. by President Owen.

MOTION

Senator Roach moved adoption of the following resolution:

SENATE RESOLUTION 8661

By Senators Roach, Parlette, Mullet, Baumgartner, Frockt, Benton, Chase, Ericksen, Pedersen, Angel, Habib, Litzow, Ranker, Honeyford, Hargrove, Hill, Hasegawa, Becker, Conway, O'Ban, Kohl-Welles, Darneille, Billig, Jayapal, and Fraser

WHEREAS, The citizens of Washington state value economic and cultural exchange; and

WHEREAS, The people of Azerbaijan observe Azerbaijan Republic Day on May 28th; and

WHEREAS, On this same day in 1918, the people of Azerbaijan declared independence and formed the Azerbaijan Democratic Republic; and

WHEREAS, The Azerbaijan Democratic Republic was the first secular democracy in the Islamic world and its citizens have committed to protecting their freedom and democracy; and

WHEREAS, The Republic of Azerbaijan is today a staunch ally and partner of the United States in the strategically important South Caucasus region bordering Iran, Russia, and Central Asia; and

WHEREAS, The Republic of Azerbaijan and the United States share a strong commitment to diversifying energy supplies, fighting terrorism, and promoting regional security; and

WHEREAS, Possessing vast oil and gas resources, Azerbaijan contributes to the energy security of the United States and its European allies, and is a critical element of the "Southern Corridor," which will further enhance diversification of energy supplies to our European allies; and

WHEREAS, The Republic of Azerbaijan has consolidated its sovereignty and independence, and has become one of the most rapidly developing countries in the world and the biggest United States trade partner in the South Caucasus; and

WHEREAS, Azerbaijan has become a major regional partner of such Washington-based companies as Boeing and Microsoft, and has signed multibillion dollar contracts that have created thousands of new American jobs in Washington; and

WHEREAS, Azerbaijan, represented by its consulate general, attaches great importance to expanding its relations in all spheres, including trade, cultural, and educational exchange with the State of Washington; and

WHEREAS, It is critical for the United States of America to further strengthen relations with its allies, such as Azerbaijan, to advance our common interests, presently and in the future;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and support the strategic partnership and friendship between the United States of America and the Republic of Azerbaijan, and trust that our relations will be further enhanced through mutual efforts over the years to come.

Senators Roach, Jayapal, Angel, Habib, Benton, Chase and Rivers spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8661.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Nasimi Aghayev, Consul General, and Mr. Nahib Omarov, Consular Officer, Consulate General of the Republic of Azerbaijan in Los Angeles who were seated in the gallery and recognized by the senate.

Senator Fraser announced a meeting of the Senate Democratic Caucus immediately upon going at ease.

Senator Parlette announced a meeting of the Majority Coalition Caucus immediately upon going at ease.

MOTION

At 3:37 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:10 p.m. by President Owen.

MOTION

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

EIGHTY EIGHTH DAY, APRIL 9, 2015
 MESSAGE FROM THE HOUSE

2015 REGULAR SESSION

April 9, 2015

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5300,
 SUBSTITUTE SENATE BILL NO. 5591,
 SENATE BILL NO. 5606,
 SENATE BILL NO. 5638,
 SENATE BILL NO. 5662,
 SENATE BILL NO. 5757,
 SENATE BILL NO. 5760,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5803,
 SUBSTITUTE SENATE BILL NO. 5824,
 SUBSTITUTE SENATE BILL NO. 5887,
 SENATE JOINT MEMORIAL NO. 8012

and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5023,
 SENATE BILL NO. 5031,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5083,
 SENATE BILL NO. 5088,
 SENATE BILL NO. 5144,
 SUBSTITUTE SENATE BILL NO. 5165,
 SUBSTITUTE SENATE BILL NO. 5175,
 SENATE BILL NO. 5176,
 SENATE BILL NO. 5238,
 SUBSTITUTE SENATE BILL NO. 5294,
 SUBSTITUTE SENATE BILL NO. 5296,
 SENATE BILL NO. 5337,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5346,
 ENGROSSED SENATE BILL NO. 5424,
 SUBSTITUTE SENATE BILL NO. 5438,
 ENGROSSED SENATE BILL NO. 5504,
 SENATE BILL NO. 5532, and
 SENATE BILL NO. 5556.

MOTION

On motion of Senator Fain, Senators Baumgartner and Hill were excused.

MOTION

On motion of Senator Habib, Senators Hargrove and Hobbs were excused.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Daniel J. Altmayer, Gubernatorial Appointment No. 9002, be confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

Senators Keiser and Miloscia spoke in favor of passage of the motion.

APPOINTMENT OF DANIEL J. ALTMAYER

The President declared the question before the Senate to be the confirmation of Daniel J. Altmayer, Gubernatorial Appointment No. 9002, as a member of the Board of Trustees, Highline Community College District No. 9.

The Secretary called the roll on the confirmation of Daniel J. Altmayer, Gubernatorial Appointment No. 9002, as a member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hasegawa, Hatfield, Hewitt, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hargrove, Hill and Hobbs
 Daniel J. Altmayer, Gubernatorial Appointment No. 9002, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

THIRD READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator King moved that Lee Newgent, Gubernatorial Appointment No. 9127, be confirmed as a member of the Work Force Training and Education Coordination Board.

Senators King, Keiser, Conway, Chase and Jayapal spoke in favor of passage of the motion.

APPOINTMENT OF LEE NEWGENT

The President declared the question before the Senate to be the confirmation of Lee Newgent, Gubernatorial Appointment No. 9127, as a member of the Work Force Training and Education Coordination Board.

The Secretary called the roll on the confirmation of Lee Newgent, Gubernatorial Appointment No. 9127, as a member of the Work Force Training and Education Coordination Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hasegawa, Hatfield, Hewitt, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hargrove, Hill and Hobbs
 Lee Newgent, Gubernatorial Appointment No. 9127, having received the constitutional majority was declared confirmed as a

member of the Work Force Training and Education Coordination Board.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1277, by Representatives Klippert, Appleton, MacEwen, Muri, Orwall, Goodman, Shea, Haler, Moscoso, Young, Scott, Zeiger and McCaslin

Concerning transient lodging for military service members in armories.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, House Bill No. 1277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1277.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1277 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hasegawa, Hatfield, Hewitt, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hargrove, Hill and Hobbs

HOUSE BILL NO. 1277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1011, by Representatives Short, Takko, Springer, Buys, Kretz, Shea, Gregerson and Condotta

Assigning counties to two climate zones for purposes of the state building code.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1011.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1011 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hill and Hobbs

HOUSE BILL NO. 1011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1547, by Representatives S. Hunt, Holy and Condotta

Authorizing funding and expenditures for the hosting of the annual conference of the national association of state treasurers.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1547 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1547.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1547 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Ericksen and Padden

Excused: Senators Baumgartner, Hill and Hobbs

HOUSE BILL NO. 1547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1252, by House Committee on Public Safety (originally sponsored by Representatives Wylie, Harris, Moeller, Jinkins, Vick and S. Hunt)

EIGHTY EIGHTH DAY, APRIL 9, 2015

2015 REGULAR SESSION

Prescribing penalties for allowing or permitting unlicensed practice of massage therapy or reflexology.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1252.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1252 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hill and Hobbs

SUBSTITUTE HOUSE BILL NO. 1252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Becker: "Thank you Mr. President. Well, I'd like to wish my mother Happy Birthday. She's ninety-seven years old today and still going strong. She lives in Yakima at an assisted living home. And last year just before her birthday she fell and broke her hip and had to have a rod put in place. She got out of the hospital in three days. She ran through rehab and is back in assisted living and is going like mad with her walker everywhere. Ninety-seven years. I'm tickled with that. I hope longevity runs in the entire family. But she's probably four foot, eight now and white, white hair. Everybody loves her and her family goes crazy because she's always getting us to run to shop, go shopping. 'I want to go shopping.' But, at ninety-seven, I can tell you, I'd be tickled if I could go shopping at ninety-seven and keep up with it. Happy Birthday mom."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1749, by House Committee on Labor (originally sponsored by Representatives MacEwen, Manweller and Condotta)

Concerning contractor registration requirements for owners of property.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Substitute House Bill No. 1749 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1749.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1749 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hill and Hobbs

SUBSTITUTE HOUSE BILL NO. 1749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1800, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Hargrove, Kagi and Walsh)

Concerning filing a petition seeking termination of parental rights.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Human Services, Mental Health & Housing be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read as follows:

(1) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the supervising agency or department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department or supervising agency must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the supervising agency or the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department or supervising agency;

(vii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(viii) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(ix) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(x) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(xi) Whether terms of visitation need to be modified;

(xii) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xiii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed. If the court determines that the child has been in out-of-home care for at least twelve consecutive months following the filing of a dependency petition and the parent has had no contact with the department or any service providers identified in the department's case plan, the court shall order that a petition seeking termination of parent and child relationship be filed unless the court makes a good cause exception based on the factors described in RCW 13.34.145.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with the supervising agency's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's or supervising agency's case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's authority to order housing assistance under this chapter is: (a) Limited to cases in which a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would

EIGHTY EIGHTH DAY, APRIL 9, 2015

2015 REGULAR SESSION

aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(~~(3)~~) (6).

Sec. 2. RCW 13.34.070 and 2011 c 309 s 25 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. When the custodian is summoned, the parent or guardian or both shall also be served with a summons. The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel. The summons shall also inform the child's parent, guardian, or legal custodian of his or her right to appointed counsel, if indigent, and of the procedure to use to secure appointed counsel.

(4) The summons shall advise the parents that they may be held responsible for the support of the child if the child is placed in out-of-home care.

(5) The summons shall advise the parents that if the court finds the child to be a dependent and the parents have no contact with the department or any service providers identified in the department's case plan, the court shall order that a petition seeking termination of parent and child relationship be filed if the child has been in out-of-home care for at least twelve consecutive months following the filing of a dependency petition, unless the court makes a good cause exception based on the factors described in RCW 13.34.145.

(6) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

~~((6))~~ (7) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him or her to the place of shelter designated by the court.

~~((7))~~ (8) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection ~~((5)-6)~~ (6) or (7) of this section, and if the person fails to abide by the order, he or she may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
VIOLATION OF THIS ORDER
IS SUBJECT TO PROCEEDING
FOR CONTEMPT OF COURT
PURSUANT TO RCW 13.34.070.

~~((8))~~ (9) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy by certified mail as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

~~((9))~~ (10) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department employee.

~~((10))~~ (11) Whenever the court or the petitioning party in a proceeding under this chapter knows or has reason to know that an Indian child as defined in RCW 13.38.040 is involved, the petitioning party shall promptly provide notice to the child's parent or Indian custodian and to the agent designated by the child's Indian tribe to receive such notices. Notice shall comply with RCW 13.38.070."

On page 1, line 2 of the title, after "rights;" strike the remainder of the title and insert "amending RCW 13.34.070; and reenacting and amending RCW 13.34.138."

POINT OF INQUIRY

Senator Roach: "Would Senator O'Ban yield to a question? So, this is a very important subject area for the people of the State of Washington and for children. It deals with terminating parental rights and placing a child in another environment and often times that is necessary. It has been my experience that sometimes it's not necessary to send a child out of the home to a stranger's house. That there are grandparents and extended family that are perfectly capable of taking care of a blood relative, if you will, or an adoptive relative, for that matter. So in the amendment that you're about to adopt, I'd like to know if there are some safeguards here for nonparents who are members of the family of the child?"

Senator O'Ban: "So, what this bill does Senator Roach is it, the only change it makes is that after a dependency proceeding has already been commenced and the notices have been sent out that, if there's been no contact by the parent or non-custodial parent within a twelve month period, the termination process can begin. But there is an additional provision, as I mentioned, that the non-custodial parent would receive notice. Otherwise the notification provisions that are already in law are not changed in the bill."

Senator Roach: "If I may continue to see if I can get an answer? I know what the bill does and that's what concerns me."

We're not mentioning people that are not 'the parents.' The bill notes this also provides notice to everyone else involved – including the parents. So that, to me, means: the judge; the CASA [court-appointed special advocate]; the attorneys involved; the parents. But nothing is said about grandparents or extended family. Then it says, 'The rug is not yanked from under the family as the petition takes time, it's not an automatic thing'. My experience has been in court rooms that in fact the grandparents sit in the back of the court even though state law says that they should be the first receivers of a child, extended immediate family. That is not what happens. Children are taken. And as we move the process from twenty four months, eighteen months, now, one year. It makes it very difficult for grandparents that lack standing in the court room or other relatives, blood relatives: sisters, brothers, aunts, uncles. It gives them less time to try to affect the life of the child, really. So unless this bill has any safeguards that would guarantee that grandparents also be notified and be involved in this process I'm not persuaded that this striking amendment is something that's going to protect the rights of the child. I think they have a right to be with extended family and that's what the law states but that's not in practice what is happening."

Senator O'Ban: "I'm not sure if that was a question. It sounds like a good argument for final passage."

Senator Roach: "No. I'm trying to find out if in fact this striking amendment does affect the rights of grandparents?"

Senator O'Ban: "It does not change existing laws with respect to grandparents one way or the other."

Senator Roach: "So we're going to make it less time to affect these changes and leave the grandparents and regular family out of the circle? Instead of two years they or year and half they have. Now they only get twelve months."

Senator O'Ban: "Changes by two months. Right now it's fourteen. This changes to twelve. Excuse me. Fifteen to twelve."

Senator Roach: "I think that we should be ... I think ... Thank you Mr. President."

REMARKS BY THE PRESIDENT

President Owen: "Senator Roach. Senator Roach, if you have a question, please ask a question. Otherwise, direct your remarks this way."

MOTION

Senator Roach moved that her remarks regarding the committee striking amendment be spread upon the journal.

REMARKS BY THE PRESIDENT

President Owen: "Senator Roach, we're going to check and see what the procedure is. I'm sure that can be done but we're going to continue on while we're checking that out. Did you have any other comments?"

Senator Roach: "Just that when I vote no on this bill I want the people of the state of Washington know that I am standing up for those grandparents who do not have the rights that they should have in this state."

The President declared the question before the Senate to be the motion by Senator Roach that her remarks regarding the committee striking amendment by the Committee on Human Services, Mental Health & Housing to Substitute House Bill No. 1800 be spread upon the journal and the motion carried by a rising vote.

MOTION

On motion of Senator Fain, further consideration of Substitute House Bill No. 1800 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1002, by House Committee on Health Care & Wellness (originally sponsored by Representative DeBolt)

Prohibiting unfair and deceptive dental insurance practices.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Substitute House Bill No. 1002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Becker spoke in favor of passage of the bill.

MOTION

On motion of Senator Habib, Senator Jayapal was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1002.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1002 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hill, Hobbs and Jayapal

SUBSTITUTE HOUSE BILL NO. 1002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1052, by House Committee on Higher Education (originally sponsored by Representatives Hayes, Fey, Klippert, Orwall, Appleton, Muri, MacEwen, Gregerson, Haler, Bergquist, Moeller, Riccelli and Magendanz)

EIGHTY EIGHTH DAY, APRIL 9, 2015

2015 REGULAR SESSION

Requiring institutions of higher education to make an early registration process available to spouses and domestic partners of active members of the military.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 1052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1052.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1052 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hill, Hobbs and Jayapal
 SUBSTITUTE HOUSE BILL NO. 1052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1819, by Representatives Wilson, Griffey, Dent, Van Werven, Caldier, Pike, Shea, Vick, Harmsworth and Condotta

Concerning appointments to inspect the books of account of a political committee or a candidate committee.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1819 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Lias spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Chase: "Would the gentlelady yield to a question? Senator Roach, would you tell me what the bill and how the bill addresses the fact that you still have the ability to show the books at a place other than your home?"

Senator Roach: "What the bill does, you can show the books to whoever you want to, that is true. Someone has to know where

to go. They have to know where the books are. What this bill does, it prescribes that the person wanting to see the books communicate and then that time and place is arrived at. If you look at this, the inspector, the person coming to the door, or to the residence or a school yard or wherever it might be, must show identification so we know who they are. The treasurer, they may refuse to show the books of account to a person who does not make an appointment or provide the required identification. So, today if someone were to come, you know, just making a story up here, at five in the morning and maybe somebody's not even dressed yet, they go away and saying 'They wouldn't let me see the books.' So that's the way far end of it. Will that happen? No but what this does then is allows that the person makes their appointment, a time and place is arrived upon and then the person has to show identification so you know that is in fact the inspector of the books."

Senator Chase: "So ... May I. Mr. President? So, when you file your paperwork with PDC, they require you to say where you're going to have the books and what hours you're going to have them open for inspection. Does your bill then require an appointment for that?"

Senator Roach: "Yes, Senator Chase it does. You need to let somebody know that you're coming and you need to come with your identification. And, I think I had one other comment about it but it's the safety of the campaign."

The President declared the question before the Senate to be the final passage of House Bill No. 1819.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1819 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Absent: Senator Ericksen

Excused: Senators Baumgartner, Hill, Hobbs and Jayapal

HOUSE BILL NO. 1819, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1170, by House Committee on Local Government (originally sponsored by Representatives Clibborn, Zeiger, Tarleton, Wilcox, Springer, Jinkins, Fey, Kilduff, Fitzgibbon, Gregerson and Tharinger)

Granting port districts certain administrative powers.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute House Bill No. 1170 was advanced to third

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

Senators Brown, Chase, Conway and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1170.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1170 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hill, Hobbs and Jayapal

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1302, by Representatives Haler, Tarleton and Jinkins

Clarifying the applicability of child abduction statutes to residential provisions ordered by a court.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1302.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1302 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hill, Hobbs and Jayapal

HOUSE BILL NO. 1302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "The President is always pleased and thrilled to be able to recognize the members when they have a Point of Personal Privilege recognizing new members, anniversaries, birthday, etc. The President would like to take a moment to have his own Point of Personal Privilege and welcome his second great grandchild Nova Devon Swihart to the world, eight pounds, fifteen ounces, born to Elizabeth and Jonathan. [Applause.] I appreciate your enthusiasm. Around Christmas time next year, with twenty-two grandchildren, I'll be contacting all of you."

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

HOUSE BILL NO. 1013, by Representatives Appleton, Johnson, Hansen, Takko, Gregerson and Fey

Authorizing regular meetings of county legislative authorities to be held at alternate locations within the county.

The measure was read the second time.

MOTION

Senator Roach moved that the following committee striking amendment by the Committee on Government Operations & Security be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.32.080 and 1989 c 16 s 1 are each amended to read as follows:

(1) Except as provided otherwise by this section, the county legislative authority of each county shall hold regular meetings at the county seat to transact any business required or permitted by law.

(2) As an alternative option that may be exercised no more than once per calendar quarter, regular meetings may be held at a location outside of the county seat but within the county if the county legislative authority determines that holding a meeting at an alternate location would be in the interest of supporting greater citizen engagement in local government.

(3) The county legislative authority must give notice of any regular meeting held outside of the county seat. Notice must be given at least thirty days before the time of the meeting specified in the notice. At a minimum, notice must be:

(a) Posted on the county's web site;

(b) Published in a newspaper of general circulation in the county; and

(c) Sent via electronic transmission to any resident of the county who has chosen to receive the notice required under this section at an electronic mail address."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Security to House Bill No. 1013.

EIGHTY EIGHTH DAY, APRIL 9, 2015

2015 REGULAR SESSION

The motion by Senator Roach carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "county;" strike the remainder of the title and insert "and amending RCW 36.32.080."

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1013 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Liias, Dansel and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1013 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1013 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hill, Hobbs and Jayapal

HOUSE BILL NO. 1013 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1313, by House Committee on Local Government (originally sponsored by Representatives Zeiger, Fey, Stambaugh, Takko, Van De Wege, Stokesbary, Griffey and Reykdal)

Granting fire protection districts and regional fire protection service authorities biennial budget authority.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1313.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1313 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Baumgartner, Hill, Hobbs and Jayapal

SUBSTITUTE HOUSE BILL NO. 1313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1980, by House Committee on State Government (originally sponsored by Representative Springer)

Implementing recommendations of the sunshine committee.

The measure was read the second time.

MOTION

Senator Roach moved that the following committee striking amendment by the Committee on Government Operations & Security be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.100 and 2014 c 108 s 2 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by an independent attorney in the proceedings. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background information record shall include, but is not limited to, the following information:

- (a) Level of formal education;
- (b) General training related to the guardian ad litem's duties;
- (c) Specific training related to issues potentially faced by children in the dependency system;
- (d) Specific training or education related to child disability or developmental issues;
- (e) Number of years' experience as a guardian ad litem;
- (f) Number of appointments as a guardian ad litem and the county or counties of appointment;
- (g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance

action, and the name of the court and the cause number of any case in which the court has removed the person for cause;

(h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(i) The results of an examination of state and national criminal identification data. The examination shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. The background check shall be done through the Washington state patrol criminal identification section and must include a national check from the federal bureau of investigation based on the submission of fingerprints; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program a suitable person appointed by the court to act as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a copy of the background information record containing the results of the background check conducted through the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834. The portion of the background information record containing the results of the criminal background check and the criminal history from the federal bureau of investigation shall not be disclosed to the parties or their attorneys. The background information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through an attorney, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6)(a) The court must appoint an attorney for a child in a dependency proceeding six months after granting a petition to terminate the parent and child relationship pursuant to RCW 13.34.180 and when there is no remaining parent with parental rights.

The court must appoint an attorney for a child when there is no remaining parent with parental rights for six months or longer prior to July 1, 2014, if the child is not already represented.

The court may appoint one attorney to a group of siblings, unless there is a conflict of interest, or such representation is otherwise inconsistent with the rules of professional conduct.

(b) Legal services provided by an attorney appointed pursuant to (a) of this subsection do not include representation of the child in any appellate proceedings relative to the termination of the parent and child relationship.

(c)(i) Subject to the availability of amounts appropriated for this specific purpose, the state shall pay the costs of legal services

provided by an attorney appointed pursuant to (a) of this subsection, if the legal services are provided in accordance with the standards of practice, voluntary training, and caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010. Caseload limits must be calculated pursuant to (c)(ii) of this subsection.

(ii) Counties are encouraged to set caseloads as low as possible and to account for the individual needs of the children in care. Notwithstanding the caseload limits developed and recommended by the statewide children's representation work group pursuant to section 5, chapter 180, Laws of 2010, when one attorney represents a sibling group, the first child is counted as one case, and each child thereafter is counted as one-half case to determine compliance with the caseload standards pursuant to (c)(i) of this subsection and RCW 2.53.045.

(iii) The office of civil legal aid is responsible for implementation of (c)(i) and (ii) of this subsection as provided in RCW 2.53.045.

(7)(a) The court may appoint an attorney to represent the child's position in any dependency action on its own initiative, or upon the request of a parent, the child, a guardian ad litem, a caregiver, or the department.

(b)(i) If the court has not already appointed an attorney for a child, or the child is not represented by a privately retained attorney:

(A) The child's caregiver, or any individual, may refer the child to an attorney for the purposes of filing a motion to request appointment of an attorney at public expense; or

(B) The child or any individual may retain an attorney for the child for the purposes of filing a motion to request appointment of an attorney at public expense.

(ii) Nothing in this subsection (7)(b) shall be construed to change or alter the confidentiality provisions of RCW 13.50.100.

(c) Pursuant to this subsection, the department or supervising agency and the child's guardian ad litem shall each notify a child of his or her right to request an attorney and shall ask the child whether he or she wishes to have an attorney. The department or supervising agency and the child's guardian ad litem shall notify the child and make this inquiry immediately after:

(i) The date of the child's twelfth birthday;

(ii) Assignment of a case involving a child age twelve or older;

or

(iii) July 1, 2010, for a child who turned twelve years old before July 1, 2010.

(d) The department or supervising agency and the child's guardian ad litem shall repeat the notification and inquiry at least annually and upon the filing of any motion or petition affecting the child's placement, services, or familial relationships.

(e) The notification and inquiry is not required if the child has already been appointed an attorney.

(f) The department or supervising agency shall note in the child's individual service and safety plan, and the guardian ad litem shall note in his or her report to the court, that the child was notified of the right to request an attorney and indicate the child's position regarding appointment of an attorney.

(g) At the first regularly scheduled hearing after:

(i) The date of the child's twelfth birthday;

(ii) The date that a dependency petition is filed pursuant to this chapter on a child age twelve or older; or

(iii) July 1, 2010, for a child who turned twelve years old before July 1, 2010;

the court shall inquire whether the child has received notice of his or her right to request an attorney from the department or supervising agency and the child's guardian ad litem. The court shall make an additional inquiry at the first regularly scheduled

EIGHTY EIGHTH DAY, APRIL 9, 2015

2015 REGULAR SESSION

hearing after the child's fifteenth birthday. No inquiry is necessary if the child has already been appointed an attorney.

(8) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to this section shall be deemed a guardian ad litem.

(9) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends. The program shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The court shall immediately appoint the person recommended by the program.

(10) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 2. RCW 42.56.230 and 2014 c 142 s 1 are each amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2)(a) Personal information:

(i) For a child enrolled in licensed child care in any files maintained by the department of early learning; or

(ii) For a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs.

(b) Emergency contact information under this subsection (2) may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial (~~account numbers~~) information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law;

(6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093;

(7)(a) Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.

(b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.

(c) Any record pertaining to a vehicle license plate, driver's license, or identicard issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse; and

(8) All information related to individual claims resolution structured settlement agreements submitted to the board of industrial insurance appeals under RCW 51.04.063, other than final orders from the board of industrial insurance appeals.

Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in subsection (7)(c) and (d) of this section that is subject to public disclosure.

(9) Voluntarily submitted information contained in a database that is part of or associated with enhanced 911 emergency communications systems, or information contained or used in emergency notification systems as provided under sections 6 and 7 of this act.

Sec. 3. RCW 42.56.240 and 2013 c 315 s 2, 2013 c 190 s 7, and 2013 c 183 s 1 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) ~~Information contained in a local or regionally maintained gang database as well as~~ the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business; ~~((and))~~

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822; ~~((and))~~

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020; and

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates.

Sec. 4. RCW 42.56.330 and 2014 c 170 s 2 and 2014 c 33 s 1 are each reenacted and amended to read as follows:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

(1) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 or 81.77.210 that a court has determined are confidential under RCW 80.04.095 or 81.77.210;

(2) The addresses, telephone numbers, electronic contact information, and customer-specific utility usage and billing information in increments less than a billing cycle of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;

(3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service ~~((; however, these records))~~. Participant's names, general locations, and point of contact may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;

(4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;

(5) The personally identifying information of persons who acquire and use transit passes or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of preventing fraud ~~((, or to the news media when reporting on public transportation or public safety))~~. As used in this subsection, "personally identifying information" includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

(a) Information regarding the acquisition or use of transit passes or fare payment media may be disclosed in aggregate form if the data does not contain any personally identifying information.

(b) Personally identifying information may be released to law enforcement agencies if the request is accompanied by a court order;

(6) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010;

(7) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; and

(8) The personally identifying information of persons who acquire and use a driver's license or identicaid that includes a radio frequency identification chip or similar technology to facilitate border crossing. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only for United States customs and border protection enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

Sec. 5. RCW 70.148.060 and 2005 c 274 s 341 are each amended to read as follows:

(1) All ~~((examination and proprietary reports and))~~ information except for proprietary reports or information obtained by the director and the director's staff in soliciting bids from insurers and in monitoring the insurer selected by the director shall ~~((not))~~ be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the director may furnish all or part of examination reports prepared by the

EIGHTY EIGHTH DAY, APRIL 9, 2015

2015 REGULAR SESSION

director or by any person, firm, corporation, association, or other entity preparing the reports on behalf of the director to:

- (a) The Washington state insurance commissioner;
- (b) A person or organization officially connected with the insurer as officer, director, attorney, auditor, or independent attorney or independent auditor; and
- (c) The attorney general in his or her role as legal advisor to the director.

(3) Subsection (1) of this section notwithstanding, the director may furnish all or part of the examination or proprietary reports or information obtained by the director to:

- (a) The Washington state insurance commissioner; and
- (b) A person, firm, corporation, association, governmental body, or other entity with whom the director has contracted for services necessary to perform his or her official duties.

(4) ~~(Examination reports and)~~ Proprietary information obtained by the director and the director's staff ~~((are))~~ is not subject to public disclosure under chapter 42.56 RCW.

(5) A person who violates any provision of this section is guilty of a gross misdemeanor.

NEW SECTION. Sec. 6. A new section is added to chapter 38.52 RCW to read as follows:

(1) Information contained in an automatic number identification or automatic location identification database that is part of a county enhanced 911 emergency communications system as defined in RCW 82.14B.020 and intended for display at a public safety answering point with incoming 911 voice or data is confidential and exempt from public inspection and copying under chapter 42.56 RCW.

(2) Information voluntarily submitted to be contained in a database that is part of or associated with a county enhanced 911 emergency communications system as defined in RCW 82.14B.020 and intended for the purpose of display at a public safety answering point with incoming 911 voice or data is confidential and exempt from public inspection and copying under chapter 42.56 RCW.

(3) This section shall not be interpreted to prohibit:

- (a) Display of information at a public safety answering point;
- (b) Dissemination of information by the public safety answering point to police, fire, or emergency medical responders for display on a device used by police, fire, or emergency medical responders for the purpose of handling or responding to emergency calls or for training;

(c) Maintenance of the database by a county;

(d) Dissemination of information by a county to local agency personnel for inclusion in an emergency notification system that makes outgoing calls to telephone numbers to provide notification of a community emergency event;

(e) Inspection or copying by the subject of the information or an authorized representative; or

(f) The public disclosure of information prepared, retained, disseminated, transmitted, or recorded, for the purpose of handling or responding to emergency calls, unless disclosure of any such information is otherwise exempted under chapter 42.56 RCW or other law.

NEW SECTION. Sec. 7. A new section is added to chapter 38.52 RCW to read as follows:

Information obtained from an automatic number identification or automatic location identification database or voluntarily submitted to a local agency for inclusion in an emergency notification system is confidential and exempt from public inspection and copying under chapter 42.56 RCW. This section shall not be interpreted to prohibit:

(1) Making outgoing calls to telephone numbers to provide notification of a community emergency event;

- (2) Maintenance of the database by a local agency; or
- (3) Inspection or copying by the subject of the information or an authorized representative."

MOTION

Senator Liias moved that the following amendment by Senators Liias and Roach to the committee striking amendment be adopted:

On page 12, line 7 of the amendment, after "is" strike "confidential and"

On page 12, line 13 of the amendment, after "is" strike "confidential and"

On page 13, line 1 of the amendment, after "is" strike "confidential and"

Senators Liias and Roach spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Liias and Roach on page 12, line 7 to the committee striking amendment to Engrossed Substitute House Bill No. 1980.

The motion by Senator Liias carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Security as amended to Engrossed Substitute House Bill No. 1980.

The motion by Senator Roach carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "committee;" strike the remainder of the title and insert "amending RCW 13.34.100, 42.56.230, and 70.148.060; reenacting and amending RCW 42.56.240 and 42.56.330; and adding new sections to chapter 38.52 RCW."

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute House Bill No. 1980 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1980 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1980 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Honeyford, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban,

Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Absent: Senator Ericksen

Excused: Senators Baumgartner, Hill, Hobbs and Jayapal

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1980 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1491, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Walsh, Hunter, Johnson, Ormsby, MacEwen, Senn, Magendanz, Farrell, Hayes, Ortiz-Self, Hudgins, Appleton, Fitzgibbon, S. Hunt, Ryu, Jinkins, Bergquist, Goodman, Tharinger and Riccelli)

Improving quality in the early care and education system.

The measure was read the second time.

MOTION

Senator Litzow moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. (1) The legislature finds that quality early care and education builds the foundation for a child's success in school and in life. The legislature acknowledges that a quality framework is necessary for the early care and education system in Washington. The legislature recognizes that empirical evidence supports the conclusion that high quality programs consistently yield more positive outcomes for children, with the strongest positive impacts on the most vulnerable children. The legislature acknowledges that critical developmental windows exist in early childhood, and low quality child care has damaging effects for children. The legislature further understands that the proper dosage, duration of programming, and stability of care are critical to enhancing program quality and improving child outcomes. The legislature acknowledges that the early care and education system should strive to address the needs of Washington's culturally and linguistically diverse populations. The legislature understands that parental choice and provider diversity are guiding principles for early learning programs.

(2) The legislature intends to prioritize the integration of child care and preschool in an effort to promote full day programming. The legislature further intends to reward quality and create incentives for providers to participate in a quality rating and improvement system that will also provide valuable information to parents regarding the quality of care available in their communities.

Sec. 2. RCW 43.215.100 and 2013 c 323 s 6 are each amended to read as follows:

EARLY ACHIEVERS, QUALITY RATING, AND IMPROVEMENT SYSTEM.

(1) ~~(Subject to the availability of amounts appropriated for this specific purpose.)~~ The department, in collaboration with tribal governments and community and statewide partners, shall implement a ~~(voluntary)~~ quality rating and improvement system, called the early achievers program ~~(-that)~~. The early achievers program provides a foundation of quality for the early care and education system. The early achievers program is applicable to licensed or certified child care centers and homes

and early ~~(education)~~ learning programs such as working connections child care and early childhood education and assistance programs.

(2) The ~~(purpose)~~ objectives of the early achievers program ~~(is)~~ are to:

(a) ~~(To)~~ Improve short-term and long-term educational outcomes for children as measured by assessments including, but not limited to, the Washington kindergarten inventory of developing skills in RCW 28A.655.080;

(b) Give parents clear and easily accessible information about the quality of child care and early education programs ~~(-);~~

(c) Support improvement in early learning and child care programs throughout the state ~~(-);~~

(d) Increase the readiness of children for school ~~(-and);~~

(e) Close the ~~(disparity)~~ disparities in access to quality care;

(f) Subject to the availability of amounts appropriated for this specific purpose, provide professional development and coaching opportunities to early child care and education providers; and ~~(-to)~~

(g) Establish a common set of expectations and standards that define, measure, and improve the quality of early learning and child care settings.

(3)(a) Licensed or certified child care centers and homes serving nonschool age children and receiving state subsidy payments must participate in the early achievers program by the required deadlines established in RCW 43.215.135.

(b) Approved early childhood education and assistance program providers receiving state-funded support must participate in the early achievers program by the required deadlines established in RCW 43.215.415.

(c) Participation in the early achievers program is voluntary for:

(i) Licensed or certified child care centers and homes not receiving state subsidy payments; and

(ii) Early learning programs not receiving state funds.

(d) School age child care providers are exempt from participating in the early achievers program. By July 1, 2017, the department and the office of the superintendent of public instruction shall jointly design a plan to incorporate school age child care providers into the early achievers program or other appropriate quality improvement system. Subject to the availability of amounts appropriated for this specific purpose, to test implementation of the early achievers system for school age child care providers the department and the office of the superintendent of public instruction shall implement a pilot program.

(4) ~~(By fiscal year 2015, Washington state preschool programs receiving state funds must enroll in the early achievers program and maintain a minimum score level.~~

(5) ~~Before final implementation of the early achievers program, the department shall report on program progress, as defined within the race to the top federal grant award, and expenditures to the appropriate policy and fiscal committees of the legislature.)~~ There are five levels in the early achievers program. Participants are expected to actively engage and continually advance within the program.

(5) The department has the authority to determine the rating cycle for the early achievers program. The department shall streamline and eliminate duplication between early achievers standards and state child care rules in order to reduce costs associated with the early achievers rating cycle and child care licensing.

(a) Early achievers program participants may request to be rated at any time after the completion of all level 2 activities.

(b) The department shall provide an early achievers program participant an update on the participant's progress toward

EIGHTY EIGHTH DAY, APRIL 9, 2015

2015 REGULAR SESSION

completing level 2 activities after the participant has been enrolled in the early achievers program for fifteen months.

(c) The first rating is free for early achievers program participants.

(d) Each subsequent rating within the established rating cycle is free for early achievers program participants.

(6)(a) Early achievers program participants may request to be rerated outside the established rating cycle.

(b) The department may charge a fee for optional rerating requests made by program participants that are outside the established rating cycle.

(c) Fees charged are based on, but may not exceed, the cost to the department for activities associated with the early achievers program.

(7)(a) Subject to the availability of amounts appropriated for this specific purpose, the department must create a single source of information for parents and caregivers to access details on a provider's early achievers program rating level, licensing history, and other indicators of quality and safety that will help parents and caregivers make informed choices.

(b) The department shall publish to the department's web site, or offer a link on its web site to, the following information:

(i) By August 1, 2015, early achievers program rating levels 1 through 5 for all child care programs that receive state subsidy, early childhood education and assistance programs, and federal head start programs in Washington; and

(ii) New early achievers program ratings within thirty days after a program becomes licensed or certified, or receives a rating.

(c) The early achievers program rating levels shall be published in a manner that is easily accessible to parents and caregivers and takes into account the linguistic needs of parents and caregivers.

(d) The department must publish early achievers program rating levels for child care programs that do not receive state subsidy but have voluntarily joined the early achievers program.

(e) Early achievers program participants who have published rating levels on the department's web site or on a link on the department's web site may include a brief description of their program, contingent upon the review and approval by the department, as determined by established marketing standards.

(8)(a) Subject to the availability of amounts appropriated for this specific purpose, the department shall create a professional development pathway for early achievers program participants to obtain a high school diploma or equivalency or higher education credential in early childhood education, early childhood studies, child development, or an academic field related to early care and education.

(b) The professional development pathway must include opportunities for scholarships and grants to assist early achievers program participants with the costs associated with obtaining an educational degree.

(c) The department shall address cultural and linguistic diversity when developing the professional development pathway.

(9) The early achievers quality improvement awards shall be reserved for participants offering programs to an enrollment population consisting of at least five percent of children receiving a state subsidy.

(10) In collaboration with tribal governments, community and statewide partners, and the early achievers review subcommittee created in RCW 43.215.090, the department shall develop a protocol for granting early achievers program participants an extension in meeting rating level requirement timelines outlined for the working connections child care program and the early childhood education and assistance program.

(a) The department may grant extensions only under exceptional circumstances, such as when early achievers program participants experience an unexpected life circumstance.

(b) Extensions shall not exceed six months, and early achievers program participants are only eligible for one extension in meeting rating level requirement timelines.

(c) Extensions may only be granted to early achievers program participants who have demonstrated engagement in the early achievers program.

(11)(a) The department shall accept national accreditation that meets the requirements of this subsection (11) as a qualification for the early achievers program ratings.

(b) Each national accreditation agency will be allowed to submit its most current standards of accreditation to establish potential credit earned in the early achievers program. The department shall grant credit to accreditation bodies that can demonstrate that their standards meet or exceed the current early achievers program standards.

(c) Licensed child care centers and child care home providers must meet national accreditation standards approved by the department for the early achievers program in order to be granted credit for the early achievers program standards. Eligibility for the early achievers program is not subject to bargaining, mediation, or interest arbitration under RCW 41.56.028, consistent with the legislative reservation of rights under RCW 41.56.028(4)(d).

(12) A child care or early learning program that is operated by a federally recognized tribe and receives state funds shall participate in the early achievers program. The tribe may choose to participate through an interlocal agreement between the tribe and the department. The interlocal agreement must reflect the government-to-government relationship between the state and the tribe, including recognition of tribal sovereignty. The interlocal agreement must provide that:

(a) Tribal child care facilities and early learning programs may volunteer, but are not required, to be licensed by the department;

(b) Tribal child care facilities and early learning programs are not required to have their early achievers program rating level published to the department's web site or through a link on the department's web site; and

(c) Tribal child care facilities and early learning programs must provide notification to parents or guardians who apply for or have been admitted into their program that early achievers program rating level information is available and provide the parents or guardians with the program's early achievers program rating level upon request.

(13) The department shall consult with the early achievers review subcommittee on all substantial policy changes to the early achievers program.

(14) Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects or limits the legislature's authority to make programmatic modifications to licensed child care and early learning programs under RCW 41.56.028(4)(d).

NEW SECTION. Sec. 3. A new section is added to chapter 43.215 RCW to read as follows:

SINGLE SET OF LICENSING STANDARDS.

(1) No later than July 1, 2016, the department shall implement a single set of licensing standards for child care and the early childhood education and assistance program. The department shall produce the single set of licensing standards within the department's available appropriations. The new licensing standards must:

(a) Provide minimum health and safety standards for child care and preschool programs;

(b) Rely on the standards established in the early achievers program to address quality issues in participating early childhood programs;

(c) Take into account the separate needs of family care providers and child care centers; and

(d) Promote the continued safety of child care settings.

(2) Private schools that operate early learning programs and do not receive state subsidy payments shall be subject only to the minimum health and safety standards in subsection (1)(a) of this section. The state, and any agency thereof, shall not restrict or dictate any specific educational or other programs for early learning programs operated by private schools except for programs that receive state subsidy payments.

Sec. 4. RCW 43.215.200 and 2011 c 359 s 2 and 2011 c 253 s 3 are each reenacted and amended to read as follows:

DIRECTOR'S LICENSING DUTIES.

It shall be the director's duty with regard to licensing:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2) In consultation with the state fire marshal's office, the director shall use an interagency process to address health and safety requirements for child care programs that serve school-age children and are operated in buildings that contain public or private schools that safely serve children during times in which school is in session. For child care programs serving only school-age children and operating in the same facilities used by public or private schools, the director shall not impose additional health and safety licensing requirements related to the physical facility beyond the health and safety standards established by the state board of health for primary and secondary schools pursuant to its authority in RCW 43.20.050;

(3) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter;

(4) In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in care;

(5) To satisfy the shared background check requirements provided for in RCW 43.215.215 and 43.20A.710, the department of early learning and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person;

(6) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of care that an agency is authorized to render and the ages and number of children to be served;

(7) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

(8) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

(9) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child day care requirements; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

NEW SECTION. Sec. 5. A new section is added to chapter 43.215 RCW to read as follows:

REDUCTION OF BARRIERS—LOW-INCOME PROVIDERS AND PROGRAMS—EARLY ACHIEVERS.

(1)(a) The department shall, in collaboration with tribal governments and community and statewide partners, implement a protocol to maximize and encourage participation in the early achievers program for culturally diverse and low-income center and family home child care providers. Amounts appropriated for the encouragement of culturally diverse and low-income center and family home child care provider participation shall be appropriated separately from the other funds appropriated for the department, are the only funds that may be used for the protocol, and may not be used for any other purposes. Funds appropriated for the protocol shall be considered an ongoing program for purposes of future departmental budget requests.

(b) During the first thirty months of implementation of the early achievers program the department shall prioritize the resources authorized in this section to assist providers rating at a level 2 in the early achievers program to help them reach a level 3 rating wherever access to subsidized care is at risk.

(2) The protocol should address barriers to early achievers program participation and include at a minimum the following:

(a) Subject to the availability of amounts appropriated for this specific purpose, the creation of a substitute pool;

(b) Subject to the availability of amounts appropriated for this specific purpose, the development of needs-based grants for providers at level 2 in the early achievers program to assist with purchasing curriculum development, instructional materials, supplies, and equipment to improve program quality. Priority for the needs-based grants shall be given to culturally diverse and low-income providers;

(c) Subject to the availability of amounts appropriated for this specific purpose, the development of materials and assessments in a timely manner, and to the extent feasible, in the provider and family home languages; and

(d) The development of flexibility in technical assistance and coaching structures to provide differentiated types and amounts of support to providers based on individual need and cultural context.

Sec. 6. RCW 43.215.135 and 2013 c 323 s 9 are each amended to read as follows:

WORKING CONNECTIONS CHILD CARE.

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote ~~((continuity of care for children))~~ stability, quality, and continuity of early care and education programming.

(2) ~~((Beginning in fiscal year 2013,))~~ As recommended by Public Law 113-186, authorizations for the working connections child care subsidy shall be effective for twelve months unless a

EIGHTY EIGHTH DAY, APRIL 9, 2015

change in circumstances necessitates reauthorization sooner than twelve months. The twelve-month certification applies only if the enrollments in the child care subsidy or working connections child care program are capped.

(3) ~~(Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2013, working connections child care providers shall receive a five percent increase in the subsidy rate for enrolling in level 2 in the early achievers programs. Providers must complete level 2 and advance to level 3 within thirty months in order to maintain this increase.)~~ The department shall adopt rules that provide working connections child care authorizations for up to ninety days, which do not need to be consecutive, when a recipient experiences a gap in his or her employment or approved activity during a twelve-month period. In order for the recipient to continue to be authorized for child care during the ninety days, the recipient must be looking for another job or have verbal or written assurance from the recipient's employer or approved activity that the employment or approved activity will resume within the ninety days.

(4) Existing child care providers serving nonschool age children and receiving state subsidy payments must complete the following requirements to be eligible for a state subsidy under this section:

(a) Enroll in the early achievers program by August 1, 2016;

(b) Complete level 2 activities in the early achievers program by August 1, 2017; and

(c) Rate at a level 3 or higher in the early achievers program by December 31, 2019. If a child care provider rates below a level 3 by December 31, 2019, the provider must complete remedial activities with the department, and rate at a level 3 or higher no later than June 30, 2020.

(5) Effective July 1, 2016, a new child care provider serving nonschool age children and receiving state subsidy payments must complete the following activities to be eligible to receive a state subsidy under this section:

(a) Enroll in the early achievers program within thirty days of receiving the initial state subsidy payment;

(b) Complete level 2 activities in the early achievers program within twelve months of enrollment; and

(c) Rate at a level 3 or higher in the early achievers program within thirty months of enrollment. If a child care provider rates below a level 3 within thirty months from enrollment into the early achievers program, the provider must complete remedial activities with the department, and rate at a level 3 or higher within six months of beginning remedial activities.

(6) If a child care provider does not rate at a level 3 or higher following the remedial period, the provider is no longer eligible to receive state subsidy under this section.

(7) If a child care provider serving nonschool age children and receiving state subsidy payments has successfully completed all level 2 activities and is waiting to be rated by the deadline provided in this section, the provider may continue to receive a state subsidy pending the successful completion of the level 3 rating activity.

(8) Subject to the availability of amounts appropriated for this specific purpose, the department shall implement tiered reimbursement for early achievers program participants in the working connections child care program rating at level 3, 4, or 5.

(9) The department shall account for a child care copayment collected by the provider from the family for each contracted slot and establish the copayment fee by rule.

Sec. 7. RCW 43.215.1352 and 2012 c 251 s 2 are each amended to read as follows:

WORKING CONNECTIONS CHILD CARE.

2015 REGULAR SESSION

When an applicant or recipient applies for or receives working connections child care benefits, ~~((he or she))~~ the applicant or recipient is required to:

(1) Notify the department of social and health services, within five days, of any change in providers; and

(2) Notify, in writing or verbally, the department of social and health services, within ten days, about any significant change related to the number of child care hours the applicant or recipient needs, cost sharing, or eligibility.

Sec. 8. RCW 43.215.425 and 1994 c 166 s 6 are each amended to read as follows:

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM.

(1) The department shall adopt rules under chapter 34.05 RCW for the administration of the early childhood education and assistance program. Approved early childhood education and assistance programs shall conduct needs assessments of their service area~~((s))~~ and identify any targeted groups of children, to include but not be limited to children of seasonal and migrant farmworkers and native American populations living either on or off reservation~~((, and))~~. Approved early childhood education and assistance programs shall provide to the department a service delivery plan, to the extent practicable, that addresses these targeted populations.

(2) The department, in developing rules for the early childhood education and assistance program, shall consult with the early learning advisory ~~((committee))~~ council, and shall consider such factors as coordination with existing head start and other early childhood programs, the preparation necessary for instructors, qualifications of instructors, adequate space and equipment, and special transportation needs. The rules shall specifically require the early childhood programs to provide for parental involvement in participation with their child's program, in local program policy decisions, in development and revision of service delivery systems, and in parent education and training.

(3)(a) The department shall adopt rules pertaining to the early childhood education and assistance program that outline allowable periods of child absences, required contact with parents or caregivers to discuss child absences and encourage regular attendance, and a de-enrollment procedure when allowable child absences are exceeded. The department shall adopt rules on child absences and attendance within the department's appropriations.

(b) Rules pertaining to child absences and de-enrollment procedures shall be adopted no later than July 31, 2016. The department shall adopt rules on child absences and attendance within the department's appropriations.

(4) The department shall adopt rules requiring early childhood education and assistance program employees who have access to children to submit to a fingerprint background check. Fingerprint background check procedures for the early childhood education and assistance program shall be the same as the background check procedures in RCW 43.215.215.

Sec. 9. RCW 43.215.415 and 1994 c 166 s 5 are each amended to read as follows:

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM.

(1) Approved early childhood education and assistance programs shall receive state-funded support through the department. Public or private ~~((nonsectarian))~~ organizations~~((s))~~ including, but not limited to, school districts, educational service districts, community and technical colleges, local governments, or nonprofit organizations, are eligible to participate as providers of the state early childhood education and assistance program. ~~((Funds appropriated for the state program shall be used to continue to operate existing programs or to establish new or~~

~~expanded early childhood programs, and shall not be used to supplant federally supported head start programs.)~~

(2) Funds obtained by providers through voluntary grants or contributions from individuals, agencies, corporations, or organizations may be used to expand or enhance preschool programs so long as program standards established by the department are maintained~~(, but shall not be used to supplant federally supported head start programs or state supported early childhood programs))~~.

(3) Persons applying to conduct the early childhood education and assistance program shall identify targeted groups and the number of children to be served, program components, the qualifications of instructional and special staff, the source and amount of grants or contributions from sources other than state funds, facilities and equipment support, and transportation and personal care arrangements.

(4) Existing early childhood education and assistance program providers must complete the following requirements to be eligible to receive state-funded support under the early childhood education and assistance program:

(a) Enroll in the early achievers program by August 1, 2015;

(b) Rate at a level 4 or 5 in the early achievers program by January 1, 2016. If an early childhood education and assistance program provider rates below a level 4 by January 1, 2016, the provider must complete remedial activities with the department, and rate at a level 4 or 5 within six months of beginning remedial activities.

(5) Effective August 1, 2015, a new early childhood education and assistance program provider must complete the requirements in this subsection (5) to be eligible to receive state-funded support under the early childhood education and assistance program:

(a) Enroll in the early achievers program within thirty days of the start date of the early childhood education and assistance program contract;

(b)(i) Except as provided in (b)(ii) of this subsection, rate at a level 4 or 5 in the early achievers program within twelve months of enrollment. If an early childhood education and assistance program provider rates below a level 4 within twelve months of enrollment, the provider must complete remedial activities with the department, and rate at a level 4 or 5 within six months of beginning remedial activities.

(ii) Licensed or certified child care centers and homes that administer an early childhood education and assistance program shall rate at a level 4 or 5 in the early achievers program within eighteen months of the start date of the early childhood education and assistance program contract. If an early childhood education and assistance program provider rates below a level 4 within eighteen months, the provider must complete remedial activities with the department, and rate at a level 4 or 5 within six months of beginning remedial activities.

(6)(a) If an early childhood education and assistance program provider has successfully completed all of the required early achievers program activities and is waiting to be rated by the deadline provided in this section, the provider may continue to participate in the early achievers program as an approved early childhood education and assistance program provider and receive state subsidy pending the successful completion of a level 4 or 5 rating.

(b) To avoid disruption, the department may allow for early childhood education and assistance program providers who have rated below a level 4 after completion of the six-month remedial period to continue to provide services until the current school year is finished.

(7) The department shall collect data periodically to determine the demand for full-day programming for early childhood education and assistance program providers. The department

shall analyze this demand by geographic region and shall include the findings in the annual report required under section 17(5) of this act.

(8) By December 1, 2015, the department shall develop a pathway for licensed or certified child care centers and homes to administer an early childhood education and assistance program. The pathway shall include an accommodation for these providers to rate at a level 4 or 5 in the early achievers program according to the timelines and standards established in subsection (5)(b)(ii) of this section.

Sec. 10. RCW 43.215.430 and 2013 c 323 s 7 are each amended to read as follows:

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM.

The department shall review applications from public or private (~~nonsectarian~~) organizations for state funding of early childhood education and assistance programs. The department shall consider local community needs, demonstrated capacity, and the need to support a mixed delivery system of early learning that includes alternative models for delivery including licensed centers and licensed family child care providers when reviewing applications.

Sec. 11. RCW 43.215.455 and 2010 c 231 s 3 are each amended to read as follows:

EARLY CHILDHOOD EDUCATION AND ASSISTANCE PROGRAM.

(1) Beginning September 1, 2011, an early learning program to provide voluntary preschool opportunities for children three and four years of age shall be implemented according to the funding and implementation plan in RCW (~~(43.215.442)~~) 43.215.456. The program must ~~(be)~~ offer a comprehensive program ~~(providing)~~ of early childhood education and family support, ~~(options for)~~ including parental involvement~~(,)~~ and health information, screening, and referral services, ~~(as)~~ based on family need ~~(is determined)~~. Participation in the program is voluntary. On a space available basis, the program may allow enrollment of children who are not otherwise eligible by assessing a fee.

(2) The ~~(first phase of the)~~ program shall be implemented by utilizing the program standards and eligibility criteria in the early childhood education and assistance program in RCW 43.215.400 through 43.215.450.

(3)(a) Beginning in the 2015-16 school year, the program implementation in this section shall prioritize early childhood education and assistance programs located in low-income neighborhoods within high-need geographical areas.

(b) Following the priority in (a) of this subsection, preference shall be given to programs meeting at least one of the following characteristics:

(i) Programs offering an extended day program for early care and education;

(ii) Programs offering services to children diagnosed with a special need; or

(iii) Programs offering services to children involved in the child welfare system.

(4) The director shall adopt rules for the following program components, as appropriate and necessary during the phased implementation of the program, consistent with early achievers program standards established in RCW 43.215.100:

(a) Minimum program standards(~~(including lead teacher, assistant teacher, and staff qualifications))~~;

(b) Approval of program providers; and

(c) Accountability and adherence to performance standards.

~~((4))~~ (5) The department has administrative responsibility for:

EIGHTY EIGHTH DAY, APRIL 9, 2015

2015 REGULAR SESSION

(a) Approving and contracting with providers according to rules developed by the director under this section;

(b) In partnership with school districts, monitoring program quality and assuring the program is responsive to the needs of eligible children;

(c) Assuring that program providers work cooperatively with school districts to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(d) Providing technical assistance to contracted providers.

NEW SECTION. Sec. 12. A new section is added to chapter 43.215 RCW to read as follows:

PROGRAM DATA COLLECTION AND EVALUATION.

(1) Subject to the availability of amounts appropriated for this specific purpose, the education data center established in RCW 43.41.400 must collect longitudinal, student-level data on all children attending an early childhood education and assistance program. Upon completion of an electronic time and attendance record system, the education data center must collect longitudinal, student-level data on all children attending a working connections child care program. Data collected should capture at a minimum the following characteristics:

(a) Daily program attendance;

(b) Identification of classroom and teacher;

(c) Early achievers program quality level rating;

(d) Program hours;

(e) Program duration;

(f) Developmental results from the Washington kindergarten inventory of developing skills in RCW 28A.655.080; and

(g) To the extent data is available, the distinct ethnic categories within racial subgroups of children and providers that align with categories recognized by the education data center.

(2) The department shall provide early learning providers student-level data collected pursuant to this section that are specific to the early learning provider's program. Upon completion of an electronic time and attendance record system identified in subsection (1) of this section, the department shall provide child care providers student-level data that are specific to the child care provider's program.

(3)(a) The department shall review available research and best practices literature on cultural competency in early learning settings. The department shall review the K-12 components for cultural competency developed by the professional educator standards board and identify components appropriate for early learning professional development.

(b) By July 31, 2016, the department shall provide recommendations to the appropriate committees of the legislature and the early learning advisory council on research-based cultural competency standards for early learning professional training.

(4)(a) The Washington state institute for public policy shall conduct a longitudinal analysis examining relationships between the early achievers program quality ratings levels and outcomes for children participating in subsidized early care and education programs.

(b) The institute shall submit the first report to the appropriate committees of the legislature and the early learning advisory council by December 31, 2019. The institute shall submit subsequent reports annually to the appropriate committees of the legislature and the early learning advisory council by December 31st, with the final report due December 31, 2022. The final report shall include a cost-benefit analysis.

(5)(a) The department shall complete an annual early learning program implementation report on the early childhood education and assistance program and the working connections child care program.

(b) The early learning program implementation report must be posted annually on the department's web site and delivered to the appropriate committees of the legislature. The first report is due by December 31, 2015, and the final report is due by December 31, 2019.

(c) The early learning program implementation report must address the following:

(i) Progress on early childhood education and assistance program implementation as required pursuant to RCW 43.215.415, 43.215.425, and 43.215.455;

(ii) An examination of the regional distribution of new preschool programming by zip code;

(iii) An analysis of the impact of preschool expansion on low-income neighborhoods and communities;

(iv) Recommendations to address any identified barriers to access to quality preschool for children living in low-income neighborhoods;

(v) An analysis of any impact from quality strengthening efforts on the availability and quality of infant and toddler care;

(vi) An analysis of any impact of extended day early care and education opportunities directives;

(vii) An examination of any identified barriers for providers to offer extended day early care and education opportunities;

(viii) The number of contracted slots that use both early childhood education and assistance program funding and working connections child care program funding;

(ix) An analysis of the demand for full-day programming for early childhood education and assistance program providers required under RCW 43.215.415; and

(x) To the extent data is available, an analysis of the cultural diversity of early childhood education and assistance program providers and participants.

(6) The first annual report due under subsection (5) of this section also shall include a description of the early achievers program extension protocol required under RCW 43.215.100.

NEW SECTION. Sec. 13. A new section is added to chapter 43.215 RCW to read as follows:

CONTRACTED CHILD CARE SLOTS AND VOUCHERS.

(1) The department may employ a combination of vouchers and contracted slots for the subsidized child care programs in RCW 43.215.135. Child care vouchers preserve parental choice. Child care contracted slots promote access to continuous quality care for children, provide parents and caregivers stable child care that supports employment, and allow providers to have predictable funding. Subject to the availability of amounts appropriated for this specific purpose, any contracted slots under this section must meet the requirements in subsections (2) through (7) of this section.

(2) Only child care providers who participate in the early achievers program and rate at a level 3, 4, or 5 are eligible to be awarded a contracted slot.

(3)(a) The department is required to use data to calculate a set number of targeted contracted slots. In calculating the number, the department must take into account a balance of family home and center child care programs and the overall geographic distribution of child care programs in the state and the distribution of slots between ages zero and five.

(b) The targeted contracted slots are reserved for programs meeting both of the following conditions:

(i) Programs in low-income neighborhoods; and

(ii) Programs that consist of at least fifty percent of children receiving subsidy pursuant to RCW 43.215.135.

(c) Until August 1, 2017, the department shall assure an even distribution of contracted slots for children birth to age five.

(4) The department shall award the remaining contracted slots via a competitive process and prioritize child care programs with at least one of the following characteristics:

- (a) Programs located in a high-need geographic area;
 - (b) Programs partnering with elementary schools to offer transitional planning and support to children as they advance to kindergarten;
 - (c) Programs serving children involved in the child welfare system; or
 - (d) Programs serving children diagnosed with a special need.
- (5)(a) The department shall adopt rules pertaining to the working connections child care program for both contracted slots and child care vouchers that outline the following:

- (i) Allowable periods of child absences;
- (ii) Required contact with parents or caregivers to discuss child absences and encourage regular program attendance; and
- (iii) A de-enrollment procedure when allowable child absences are exceeded.

(b) Rules pertaining to child absences and de-enrollment procedures shall be adopted no later than July 31, 2016. The department shall adopt rules on child absences and attendance within the department's appropriations.

(6) The department shall pay a provider for each contracted slot, unless a contracted slot is not used for thirty days.

(7) The department shall include the number of contracted slots that use both early childhood education and assistance program funding and working connections child care program funding in the annual report to the legislature required under section 17 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 43.215 RCW to read as follows:

INTEGRATION WITH LOCAL GOVERNMENT EFFORTS.

(1) The foundation of quality in the early care and education system in Washington is the quality rating and improvement system entitled the early achievers program. In an effort to build on the existing quality framework, enhance access to quality care for children, and strengthen the entire early care and education systems in the state, it is important to integrate the efforts of state and local governments.

(2) Local governments are encouraged to collaborate with the department when establishing early learning programs for residents.

(3) Local governments may contribute funds to the department for the following purposes:

- (a) Initial investments to build capacity and quality in local early care and education programming; and
- (b) Reductions in copayments charged to parents or caregivers.

(4) Funds contributed to the department by local governments must be deposited in the early start account established in section 16 of this act.

Sec. 15. RCW 43.215.090 and 2012 c 229 s 589 are each amended to read as follows:

EARLY LEARNING ADVISORY COUNCIL.

(1) The early learning advisory council is established to advise the department on statewide early learning issues that would build a comprehensive system of quality early learning programs and services for Washington's children and families by assessing needs and the availability of services, aligning resources, developing plans for data collection and professional development of early childhood educators, and establishing key performance measures.

(2) The council shall work in conjunction with the department to develop a statewide early learning plan that guides the

department in promoting alignment of private and public sector actions, objectives, and resources, and ensuring school readiness.

(3) The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(4) Councilmembers shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(5) The council shall consist of not more than twenty-three members, as follows:

(a) The governor shall appoint at least one representative from each of the following: The department, the office of financial management, the department of social and health services, the department of health, the student achievement council, and the state board for community and technical colleges;

(b) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

(c) The governor shall appoint seven leaders in early childhood education, with at least one representative with experience or expertise in one or more of the areas such as the following: The K-12 system, family day care providers, and child care centers with four of the seven governor's appointees made as follows:

(i) The head start state collaboration office director or the director's designee;

(ii) A representative of a head start, early head start, migrant/seasonal head start, or tribal head start program;

(iii) A representative of a local education agency; and

(iv) A representative of the state agency responsible for programs under section 619 or part C of the federal individuals with disabilities education act;

(d) Two members of the house of representatives, one from each caucus, and two members of the senate, one from each caucus, to be appointed by the speaker of the house of representatives and the president of the senate, respectively;

(e) Two parents, one of whom serves on the department's parent advisory group, to be appointed by the governor;

(f) One representative of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;

(g) One representative designated by sovereign tribal governments; and

(h) One representative from the Washington federation of independent schools.

(6) The council shall be cochaired by one representative of a state agency and one nongovernmental member, to be elected by the council for two-year terms.

(7) The council shall appoint two members and stakeholders with expertise in early learning to sit on the technical working group created in section 2, chapter 234, Laws of 2010.

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

(9)(a) Subject to the availability of amounts appropriated for this specific purpose, the council shall convene an early achievers review subcommittee to provide feedback and guidance on strategies to improve the quality of instruction and environment for early learning and provide input and recommendations on the implementation and refinement of the early achievers program.

EIGHTY EIGHTH DAY, APRIL 9, 2015

2015 REGULAR SESSION

The review conducted by the subcommittee shall be a part of the annual progress report required in section 17 of this act. At a minimum the review shall address the following:

- (i) Adequacy of data collection procedures;
- (ii) Coaching and technical assistance standards;
- (iii) Progress in reducing barriers to participation for low-income providers and providers from diverse cultural backgrounds, including a review of the early achievers program's rating tools, quality standard areas, and components, and how they are applied;

(iv) Strategies in response to data on the effectiveness of early achievers program standards in relation to providers and children from diverse cultural backgrounds;

(v) Status of the life circumstance exemption protocols; and

(vi) Analysis of early achievers program data trends.

(b) The subcommittee must include consideration of cultural linguistic responsiveness when analyzing the areas for review required by (a) of this subsection.

(c) The subcommittee shall include representatives from child care centers, family child care, the early childhood education and assistance program, contractors for early achievers program technical assistance and coaching, the organization responsible for conducting early achiever program ratings, and parents of children participating in early learning programs including working connections child care and early childhood education and assistance programs. The subcommittee shall include representatives from diverse cultural and linguistic backgrounds.

(10) The department shall provide staff support to the council.

NEW SECTION. Sec. 16. A new section is added to chapter 43.215 RCW to read as follows:

EARLY START ACCOUNT.

The early start account is created in the state treasury. Revenues in the account shall consist of appropriations by the legislature and all other sources deposited into the account. Moneys in the account may only be used after appropriation. Expenditures from the account may be used only to improve the quality of early care and education programming. The department oversees the account.

NEW SECTION. Sec. 17. A new section is added to chapter 43.215 RCW to read as follows:

ANNUAL PROGRESS REPORT.

Beginning December 1, 2015, and each December 1st thereafter, the department, in collaboration with the early achievers review subcommittee of the early learning advisory council, shall submit, in compliance with RCW 43.01.036, a progress report to the governor and the legislature regarding providers' progress in the early achievers program. Each progress report must include the following elements:

(1) The number, and relative percentage, of providers by region who have enrolled in early achievers and who have:

- (a) Completed the level 2 activities;
- (b) Achieved the required rating level to remain eligible for state-funded support under the early childhood education and assistance program or a subsidy under the working connections child care program;
- (c) Failed to achieve the required rating level and engaged in remedial activities before successfully achieving the required rating level;
- (d) Failed to achieve the required rating level after completing remedial activities; or
- (e) Received an extension from the department based on exceptional circumstances pursuant to RCW 43.215.100;

(2) A review of the services available to providers and children from diverse cultural backgrounds;

(3) An examination of the effectiveness of efforts to increase successful participation by providers serving children and families from diverse cultural and linguistic backgrounds and providers who serve children from low-income households;

(4) A description of the primary obstacles and challenges faced by providers who have not achieved the required rating level to remain eligible to receive:

- (a) A subsidy under the working connections child care program; or
- (b) State-funded support under the early childhood education and assistance program;

(5) A summary of the types of exceptional circumstances for which the department has granted an extension pursuant to RCW 43.215.100;

(6) To the extent data is available, an analysis of the distribution of early achievers program rated facilities in relation to child and provider demographics, including but not limited to race and ethnicity, home language, and geographical location;

(7) Recommendations for improving access for children from diverse cultural backgrounds to providers rated at a level 3 or higher in the early achievers program; and

(8) Recommendations for improving the early achievers program standards.

Sec. 18. RCW 43.215.010 and 2013 c 323 s 3 and 2013 c 130 s 1 are each reenacted and amended to read as follows:

DEFINITIONS.

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

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school(-)age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school(-)age(♠) children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(5) "Department" means the department of early learning.

(6) "Director" means the director of the department.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(9) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance

program services under the direction of an early childhood education and assistance program contractor.

(10) "Early start" means an integrated high quality continuum of early learning programs for children birth-to-five years of age. Components of early start include, but are not limited to, the following:

(a) Home visiting and parent education and support programs;

(b) The early achievers program described in RCW 43.215.100;

(c) Integrated full-day and part-day high quality early learning programs; and

(d) High quality preschool for children whose family income is at or below one hundred ten percent of the federal poverty level.

~~((9))~~ (11) "Education data center" means the education data center established in RCW 43.41.400, commonly referred to as the education research and data center.

(12) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

~~((10))~~ (13) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~((11))~~ (14) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least ten hours per day, a minimum of two thousand hours per year, at least four days per week, and operates year round.

(15) "Full day program" means an early childhood education and assistance program that offers early learning education for a minimum of one thousand hours per year.

(16) "Low-income child care provider" means a person who administers a child care program that consists of at least eighty percent of children receiving working connections child care subsidy.

(17) "Low-income neighborhood" means a district or community where more than twenty percent of households are below the federal poverty level.

(18) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

~~((12))~~ (19) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

~~((13))~~ (20) "Nonschool age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

(21) "Part day program" means an early childhood education and assistance program that offers early learning education for at least two and one-half hours per class session, at least three

EIGHTY EIGHTH DAY, APRIL 9, 2015

2015 REGULAR SESSION

hundred twenty hours per year, for a minimum of thirty weeks per year.

(22) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

(23) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((14))~~ (24) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

~~((15))~~ (25) "School age child" means a child who is between the ages of five years and twelve years and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

(26) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

NEW SECTION. Sec. 19. A new section is added to chapter 43.215 RCW to read as follows:

JOINT SELECT COMMITTEE ON THE EARLY ACHIEVERS PROGRAM.

(1)(a) A joint select committee on the early achievers program is established with members as provided in this subsection.

(i) Chair and ranking minority member of the house of representatives appropriations committee, or his or her designee;

(ii) Chair and ranking minority member of the senate ways and means committee, or his or her designee;

(iii) Chair and ranking minority member of the house of representatives early learning and human services committee, or his or her designee; and

(iv) Chair and ranking minority member of the senate early learning and K-12 education committee, or his or her designee.

(b) The committee shall choose its chair or co-chairs from among its legislative membership. The chair of the house of representatives appropriations committee, or his or her designee, and the chair of the senate ways and means committee, or his or her designee, shall convene the initial meeting of the committee.

(2) Between July 1, 2017, and December 1, 2017, the early achievers joint select committee shall review the demand and availability of licensed or certified child care family homes and centers, approved early childhood education and assistance programs, head start programs, and family, friend, and neighbor caregivers by geographic region, including rural and low-income areas. This review shall specifically look at the following:

(a) The geographic distribution of these child care programs by type of program, programs that accept state subsidy, enrollment in the early achievers program, and early achievers rating levels; and

(b) The demand and availability of these child care programs for major ethnic populations.

(3) By December 1, 2017, the early achievers joint select committee shall make recommendations to the legislature on the following:

(a) The sufficiency of funding provided for the early achievers program;

(b) The need for targeted funding for specific geographic regions or major ethnic populations; and

(c) Whether to modify the deadlines established in RCW 43.215.135 for purposes of the early achievers program mandate established in RCW 43.215.100.

(4) Staff support for the committee must be provided by the senate committee services and the house of representatives office of program research.

(5) Legislative members of the committee must be reimbursed for travel expenses in accordance with RCW 44.04.120.

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

(7) The committee shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2017.

(8) This section expires December 1, 2018.

NEW SECTION. Sec. 20. REPEALER. 2013 2nd sp.s. c 16 s 2 (uncodified) is repealed.

NEW SECTION. Sec. 21. A new section is added to chapter 43.215 RCW to read as follows:

SHORT TITLE.

Chapter . . ., Laws of 2015 (this act) may be known and cited as the early start act.

NEW SECTION. Sec. 22. EFFECTIVE DATE. Section 4 of this act takes effect July 1, 2016.

NEW SECTION. Sec. 23. EFFECTIVE DATE. Section 7 of this act takes effect January 1, 2016.

NEW SECTION. Sec. 24. NULL AND VOID. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2015, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1491.

The motion by Senator Litzow carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "system; strike the remainder of the title and insert "amending RCW 43.215.100, 43.215.135, 43.215.1352, 43.215.425, 43.215.415, 43.215.430, 43.215.455, and 43.215.090; reenacting and amending RCW 43.215.200 and 43.215.010; adding new sections to chapter 43.215 RCW; creating new sections; repealing 2013 2nd sp.s. c 16 s 2 (uncodified); providing effective dates; and providing an expiration date."

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Second Substitute House Bill No. 1491 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow and Billig spoke in favor of passage of the bill.

Senators Hasegawa and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1491 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1491 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 11; Absent, 1; Excused, 4.

Voting yea: Senators Angel, Bailey, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hewitt, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, Mullet, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Becker, Chase, Dansel, Hasegawa, Hatfield, Honeyford, McCoy, Miloscia, Nelson, Padden and Roach

Absent: Senator Ericksen

Excused: Senators Baumgartner, Hill, Hobbs and Jayapal

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1491 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5112, by Senators Brown, Parlette and Benton

Creating a pilot program that provides incentives for investments in Washington state job creation and economic development.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5112 was substituted for Senate Bill No. 5112 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Chase spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5112.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5112 and the bill passed the Senate by the following vote: . Yeas, 38; Nays, 6; Absent, 1; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Habib, Hargrove, Hatfield, Hewitt, Honeyford, King, Kohl-Welles, Liias, Litzow, McAuliffe, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Frockt, Hasegawa, Keiser, McCoy, Pedersen and Rolfes

Absent: Senator Ericksen

Excused: Senators Baumgartner, Hill, Hobbs and Jayapal

SUBSTITUTE SENATE BILL NO. 5112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:10 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Friday, April 10, 2015.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

1002-S	Second Reading	8	5112-S	Second Reading	26
	Third Reading Final Passage	8		Second Reading	26
1011	Second Reading	4		Third Reading Final Passage	26
	Third Reading Final Passage	4	5144	Messages	1
1013	Other Action	10		President Signed	3
	Second Reading	10	5165-S	Messages	1
	Third Reading Final Passage	11		President Signed	3
1052-S	Second Reading	8	5175-S	Messages	1
	Third Reading Final Passage	9		President Signed	3
1170-SE	Second Reading	9	5176	Messages	1
	Third Reading Final Passage	10		President Signed	3
1252-S	Second Reading	4	5238	Messages	1
	Third Reading Final Passage	5		President Signed	3
1277	Second Reading	4	5294-S	Messages	1
	Third Reading Final Passage	4		President Signed	3
1302	Second Reading	10	5296-S	Messages	1
	Third Reading Final Passage	10		President Signed	3
1313-S	Second Reading	11	5300	Messages	3
	Third Reading Final Passage	11		President Signed	3
1491-S2E	Other Action	25	5337	Messages	1
	Second Reading	16		President Signed	3
	Third Reading Final Passage	25	5346-SE	Messages	1
1547	Second Reading	4		President Signed	3
	Third Reading Final Passage	4	5424-E	Messages	1
1749-S	Second Reading	5		President Signed	3
	Third Reading Final Passage	5	5438-S	Messages	1
1800-S	Other Action	8		President Signed	3
	Second Reading	5	5504-E	Messages	1
1819	Second Reading	9		President Signed	3
	Third Reading Final Passage	9	5532	Messages	1
1980-S	Second Reading	11, 15		President Signed	3
1980-SE	Other Action	15	5556	Messages	1
	Second Reading	11		President Signed	3
	Third Reading Final Passage	15	5591-S	Messages	3
2212-E	Messages	1	5606	Messages	3
5023-S	Messages	1	5638	Messages	3
	President Signed	3	5662	Messages	3
5031	Messages	1	5757	Messages	3
	President Signed	3	5760	Messages	3
5083-SE	Messages	1	5803-SE	Messages	3
	President Signed	3	5824-S	Messages	3
5088	Messages	1		Messages	3
	President Signed	3	5887-S		
5112					

EIGHTY EIGHTH DAY, APRIL 9, 2015

2015 REGULAR SESSION

Messages3
 8012
 Messages3
 8661
 Adopted2
 Introduced2
 8662
 Adopted2
 Introduced1
 9002 Daniel J. Altmayer
 Confirmed3
 9127 Lee Newgent
 Confirmed3
 CLERGY
 Maultsby, Pastor James 1
 PAGES
 Naini, Miss Yasmine1
 Tash-Kari, Miss Ashley.....1
 PRESIDENT OF THE SENATE

Intro. Special Guest, Aghayev, Mr. Nasimi, Consul General,
 Azerbaijan..... 2
 Intro. Special Guest, Baca, Mr. Eduardo, Mexico..... 1
 Intro. Special Guest, Gokcen, Mr. John, Turkey..... 1
 Intro. Special Guest, Omarov, Mr. Nahid, Consular Officer,
 Azerbaijan..... 2
 Intro. Special Guest, Swihart, Mr. Nova Devon..... 10
 Intro. Special Guests, Senator Habib’s parents and members
 of the Persian community 2
 Intro. Special Guests, The American School Foundation,
 Mexico City 1
 Remarks by the President..... 8, 10
 WASHINGTON STATE SENATE
 Personal Privilege, Senator Becker 5
 Point of Inquiry, Senator Chase 9
 Point of Inquiry, Senator Roach 7
 Reply by Senator O’Ban 7
 Reply by Senator Roach..... 9