

**FIFTY FOURTH DAY****MORNING SESSION**

Senate Chamber, Olympia  
Friday, March 4, 2016

The Senate was called to order at 11:00 o'clock a.m. by the President of the Senate, Lt. Governor Owen presiding.

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

The Sergeant at Arms Color Guard consisting of Pages Miss Meghan Sheldrake and Mr. Erickson Saelee, presented the Colors.

The prayer was offered by Pastor Greg Kaurin of Redeemer Lutheran Church, Fircrest.

**REMARKS BY THE PRESIDENT**

President Owen: "Ladies and gentlemen of the Senate, we're going to go a little off script today as it's a very difficult time. One of our family members is in the greatest pain a person could ever have. I know that there's people that would like to share this morning. But first, I would ask that you all stand for a moment of silence for Brad and his family."

**MOMENT OF SILENCE**

The Senate observed a moment of silence in memory of Brad Tower's children, Ben, Maddy, and Sam, who passed away on March 4, 2016.

**REMARKS BY THE PRESIDENT**

President Owen: "My own experience with Brad has been for a number of years him working with his father, Earl. Then one of my first times that I was able to do a mobile archery thing was at his home. Teaching him and his boys and his neighbors. Like he was just a friend. We work with each other, we fight with each other, and then we hope we still see each other as friends and family. I certainly saw Brad in that light. I know that there's members that would like to share their own thoughts."

**PERSONAL PRIVILEGE**

Senator Schoesler: "Thank you, Mr. President. Today, myself, and the family of the legislature grieves for our friends, the Tower family. For many of us, like yourself, Mr. Governor, we started our careers working with Earl Tower. I can only imagine the grief our friend Earl has today. We all know our friend Brad's grief. I think about Brad and Earl and the enormous joy they shared in the son and grandson's football prowess. Watching videos on a phone with the Tower family. Their giant of a son playing football, and grandson, and the joy they had. I think of the joy that my son's career in sports brought our family and I can't even guess what the sorrow is for a loss times three. So with that, Mr. President, my thoughts, my prayers, to the entire Tower family goes out today."

**PERSONAL PRIVILEGE**

Senator Nelson: "Thank you, Mr. President. There's a cloud over the legislature today. Our hearts are with Brad. We cannot bring back his children, but we can send our love and our

caring. So, Mr. President, we will keep him close as he grieves, as do we. Thank you."

**PERSONAL PRIVILEGE**

Senator Becker: "Thank you, Mr. President. Well I met Brad when I first started here and when I really started to know Brad a little bit more was when I met him at the service for Senator Scott White. And how he had celebrated his life and the grief that he felt then on losing a good friend. But the grief he feels today has to be amazing. It has to be probably the hardest thing that he's ever going through in his entire life. And his wife, and the grief, and the fact that she probably couldn't do anything to help those kids. I can't imagine where she is today in her love and her thoughts. I only ask that we all say to all of our lobbyist friends up here how much we appreciate each and every one of you. The phone call getting this morning about Brad's loss of his kids is something I didn't think I'd hear. It just makes me feel like we're all a family here. We're all a family and every day we kind of just bump into each other and say, 'Yeah I'll do that. No I won't. Yes I will.' and then to see this and what really this whole thing is about, it's about people, it's about lives, and about caring and loving each other. And, Brad, my heart goes out to you today and I think everybody in this chamber feels the same way. We're going to say our prayers and we're going to hope for you to have a time to heal and a time to grieve. And that's all I have to say. Thank you."

**PERSONAL PRIVILEGE**

Senator Cleveland: "Thank you, Mr. President. The work of policy making here in the legislature involves a great many people. And that work's made up of the Senate, the House and the Third House. The Third House being made up of course our advocates and lobbyists who assist us as legislators with the information as the subject matter experts on a wide range of topics that we need as legislators in order to ensure that shape the very best policies possible. This work binds each and every one of us together and it does indeed make us one large family. So it is today that as a family we all share the shock and the pain and the tremendous loss experienced by a member of our Third House, Brad Tower, and the terrible loss of his three children this morning in a tragic house fire. So while words can't possibly express our sympathy, I ask, Mr. President, that we join our collective hearts together today, as one for Brad and for his loved ones. And as we as a legislature, the legislative community, are joined in grief, we are knit together at this moment in deep sorrow and also deep caring for Brad and his family. So we offer our prayers now and in the very difficult days ahead. Thank you."

**PERSONAL PRIVILEGE**

Senator Angel: "When I joined the legislature, I came to know a very loving person who is about the age of my children. And when I saw him going through some tough times, I guess the mom in me came out. We spent many a times having conversation about how you get over some of the mud that is created in your life. He kept going, one day at a time and sent me pictures of his children and I asked him to focus on his kids. The wonderful Christmas card that I think many of us got with Brad and the kids, the loves of his life. I mean, he lived for those

kids. I was with him last night and he said to me, 'I'm on my way to go see my kids.' I only pray that he was able to see his children last night. I hold that in my heart that that happened. But he's going to need us in the days ahead. Please don't forget. A note. You'd be surprised when a note arrives, it's just what maybe he needed that day. So, we can talk about it today, but we've got to talk about it tomorrow and the next day and the next day. And it's okay to talk about these things with him, openly and lovingly. Today our prayers are with the entire family for the tough times ahead. Thank you."

#### PERSONAL PRIVILEGE

Senator Hargrove: "Thank you, Mr. President. Well I probably didn't know Brad quite as well as many of the rest of you. I'm afraid I remember most of my interactions with him were kind of gruff or maybe even a little mean. I'm hoping he's watching this at some point in time because I'd like to apologize for that. I guess I'd like to apologize to all the lobbyists up there. Because that's usually the way I deal with all of you, isn't it? And I may again. You know, Brad this session took on working for victims advocacy group which actually gave us something to talk about that I'd worked on for years. We had some good chats about that and how to advance some of those issues. He certainly is an effective lobbyist, and that's probably why I was so mean and gruff. Our hearts certainly go out to him and as Senator Cleveland mentioned, you know we're all thinking about it today. Everybody is weepy today and thinking about the tragedy. But he's going to need all of you friends to be around him and talking to him and caring about him over the next months and maybe even years. So, certainly my prayers go out to him. We prayed for him at the end of the Prayer Breakfast when we heard what was going on. And Lord, just be with that family and minister to them now. In Jesus name, Amen."

#### PERSONAL PRIVILEGE

Senator Dansel: "I just wanted to say Brad Tower is a fine individual and somebody that I speak to about on a daily basis behind the Irv Newhouse Building. I think the one thing that may bind everyone here together is that you know at the end of the day, or for some of us at the end of the week, you get to go home and hug your kids and your wife. I just feel so bad for the family and I hope he can get through this. I think it's important to know how significant a role we play but then altogether it's not that significant when you really look at what's important. I know that I'm sure going to go hug my wife and kid. I think the next time I see Brad I'll give him a big hug too. I just hope he has the strength to get through this. And to everybody who tries to get a few minutes with you when you're coming down toward cutoff or the end of a session, everybody's in a hurry. I know that I'm going to walk a couple paces slower and give people time."

#### PERSONAL PRIVILEGE

Senator Carlyle: "Mr. President, in Jewish life, in my religious faith, mourning is highly scripted. From the very moment we learn of a suffering, we tear our clothes, we put on black clothes. Within 24 hours we have a burial. The first seven days in a house of mourning, we sit shiva where we don't shave, we cover mirrors. We sit low to the ground in deep, deep humility. The first 30 days, another marker. And after a year we put a marker on a grave. Not until a year. When our mutual friend, Scott White passed on, I shared with Brad and we talked a lot about the rituals of mourning in my religious faith. And in

talking about it together, he was captivated by this question of why it's so scripted. And the reason is to allow the community to escort those who suffer through a process. A process that of course never really ends. The magnitude of Brad's suffering requires the entire community to escort him through this life journey. It cannot be done alone. It can only be done through community. And my hope and my prayer is that his friends and his family and the broader community that make up his life, have the strength to escort him together through this journey and that he may feel that he has the ability through that support to feel God's love. Thank you."

#### PERSONAL PRIVILEGE

Senator Warnick: "Thank you, Mr. President. I wasn't going to rise today but I'm a grandmother and I knew Earl. There's people here that maybe have not worked with him, but I have. So my thought first was of Brad and his family, but Earl as a grandfather. I have two grandchildren in this chamber today serving as pages. I cannot imagine them not being part of my life. I have lost a grandchild. It was a whole different set of circumstances so I know that pain. Any grandmother or grandparent should not lose a grandchild. In cases like this, I think we cannot forget Earl and the grandparents of these children because they are mourning, they are questioning why also. 'Why?' 'Why is this happening?' 'Why did this happen?' Only the strength of their faith and our support and our faith hopefully can get them through this. Thank you."

#### REMARKS BY THE PRESIDENT

President Owen: "The President would hope that Brad would feel comfortable to call if he ever needs someone to talk to. The President would also suggest that in the next week, the next day, you visit or make a call, not an email, not a Facebook posting, to your kids and your grandkids. If you have the opportunity, that you give them a big hug."

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

Senator Parlette announced a meeting of the Majority Coalition 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.

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#### AFTERNOON SESSION

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The Senate was called to order at 1:31 p.m. by the President of the Senate, Lt. Governor Owen presiding.

#### MOTION

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

#### MOTION

There being no objection, the Senate advanced to the first order of business.

#### REPORTS OF STANDING COMMITTEES

JOURNAL OF THE SENATE

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SB 5928 Prime Sponsor, Senator Dammeier: Relating to education. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5928 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Ranker, Ranking Minority Member, Operating; Bailey; Billig; Brown; Darneille; Hewitt; Nelson; O'Ban; Parlette; Pedersen; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Conway; Hasegawa and Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

March 3, 2016

SB 6055 Prime Sponsor, Senator Hill: Relating to health care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6055 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Darneille; Hasegawa; Hewitt; Nelson; O'Ban; Parlette; Pedersen; Rolfes; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

March 3, 2016

SB 6247 Prime Sponsor, Senator Angel: Exempting from state and local taxes on-site sewage system fees required by a local government to be paid by an on-site sewage system owner to an on-site sewage system contractor or inspector. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6247 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Darneille; Hasegawa; Hewitt; Nelson; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senator Pedersen.

Passed to Committee on Rules for second reading.

March 3, 2016

SB 6316 Prime Sponsor, Senator Parlette: Concerning

designated disaster area financing. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6316 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Darneille; Hewitt; Nelson; O'Ban; Padden; Parlette; Rolfes; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Pedersen.

Passed to Committee on Rules for second reading.

March 3, 2016

SB 6477 Prime Sponsor, Senator Dammeier: Concerning a business and occupation tax deduction for chemical dependency services provided by a health or social welfare organization. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6477 as recommended by Committee on Human Services, Mental Health & Housing be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Darneille; Hewitt; Nelson; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Billig; Hasegawa; Pedersen and Rolfes.

Passed to Committee on Rules for second reading.

March 3, 2016

SB 6656 Prime Sponsor, Senator Hill: Concerning state hospital practices. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6656 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Brown; Darneille; Hewitt; Nelson; O'Ban; Padden; Parlette; Pedersen; Rolfes; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Conway and Hasegawa.

Passed to Committee on Rules for second reading.

March 3, 2016

SB 6657 Prime Sponsor, Senator Parlette: Relating to wildfire management. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6657 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Darneille; Hewitt; Nelson; O'Ban; Padden; Parlette; Pedersen; Rolfes; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

March 3, 2016

SB 6662 Prime Sponsor, Senator Braun: Creating a flexible voluntary program to allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a consumer-directed medicaid service program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6662 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Bailey; Becker; Brown; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Billig; Conway; Darneille; Hasegawa; Nelson; Pedersen and Rolfes.

Passed to Committee on Rules for second reading.

March 3, 2016

SB 6668 Prime Sponsor, Senator Hill: Merging the assets, liabilities, and membership of the law enforcement officers' and firefighters' retirement system plan 1 with the teachers' retirement system plan 1 and establishing a funding policy for the merged plan. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey; Becker; Brown; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Billig; Conway; Darneille; Hasegawa; Nelson; Pedersen and Rolfes.

Passed to Committee on Rules for second reading.

March 3, 2016

SB 6669 Prime Sponsor, Senator Brown: Consolidating business assistance programs and services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6669 be substituted therefor, and the substitute bill do

pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey; Becker; Brown; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Hargrove, Ranking Member; Conway; Darneille; Hasegawa; Nelson; Pedersen and Rolfes.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating and Billig.

Passed to Committee on Rules for second reading.

March 3, 2016

SB 6670 Prime Sponsor, Senator Fain: Relating to public schools that are not common schools. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Bailey; Becker; Brown; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Conway; Darneille; Hasegawa and Nelson.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Ranker, Ranking Minority Member, Operating; Billig; Pedersen and Rolfes.

Passed to Committee on Rules for second reading.

March 3, 2016

SB 6671 Prime Sponsor, Senator Hill: Concerning the review of state and local homelessness prevention, assistance, and housing efforts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6671 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Darneille; Hewitt; Nelson; O'Ban; Padden; Parlette; Pedersen; Rolfes; Schoesler and Warnick.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget and Hasegawa.

Passed to Committee on Rules for second reading.

March 3, 2016

SJR 8215 Prime Sponsor, Senator Braun: Requiring voter approval for any action or combination of actions by the legislature that raises taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Bailey;

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Becker; Brown; Hewitt; O'Ban; Padden; Parlette; Schoesler and Warnick.

**MINORITY recommendation:** Do not pass. Signed by Senators Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Conway; Darneille; Hasegawa; Nelson and Pedersen.

**MINORITY recommendation:** That it be referred without recommendation. Signed by Senators Billig and Rolfes.

Passed to Committee on Rules for second reading.

March 3, 2016

E3SHB 1713 Prime Sponsor, Committee on Appropriations: Integrating the treatment systems for mental health and chemical dependency. Reported by Committee on Ways & Means

**MAJORITY recommendation:** Do pass as amended. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Darneille; Hasegawa; Hewitt; Nelson; O'Ban; Padden; Parlette; Pedersen; Rolfes; Schoesler and Warnick.

Passed to Committee on Rules for second reading.

March 3, 2016

E2SHB 1725 Prime Sponsor, Committee on Appropriations: Concerning the consumer's right to assign hours to individual providers and the department of social and health services' authority to adopt rules related to payment of individual providers. Reported by Committee on Ways & Means

**MAJORITY recommendation:** Do pass as amended. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey; Becker; Billig; Brown; Conway; Darneille; Hewitt; Nelson; O'Ban; Padden; Parlette; Pedersen; Rolfes; Schoesler and Warnick.

**MINORITY recommendation:** That it be referred without recommendation. Signed by Senator Hasegawa.

Passed to Committee on Rules for second reading.

March 3, 2016

SHB 2496 Prime Sponsor, Committee on Judiciary: Concerning pro bono legal services for military service members, veterans, and their families. Reported by Committee on Ways & Means

**MAJORITY recommendation:** Do pass as amended. Signed by Senators Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Bailey; Becker; Billig; Brown; Conway; Darneille; Hasegawa; Hewitt; Nelson; O'Ban; Padden; Pedersen; Rolfes; Schoesler and Warnick.

**MINORITY recommendation:** That it be referred without

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recommendation. Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating and Parlette.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Fain, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Joint Resolution No. 8215 which was held at the desk.

#### MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 3, 2016

#### MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 2453,

and the same is herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

#### MESSAGE FROM THE HOUSE

March 3, 2016

#### MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2985,  
and the same is herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

#### MESSAGE FROM THE HOUSE

March 3, 2016

#### MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5046,  
SECOND ENGROSSED SENATE BILL NO. 5251,

SENATE BILL NO. 5581,

ENGROSSED SENATE BILL NO. 5873,

SENATE BILL NO. 6200,

SENATE BILL NO. 6205,

SUBSTITUTE SENATE BILL NO. 6254,

SENATE BILL NO. 6263,

SENATE BILL NO. 6296,

SENATE BILL NO. 6299,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6309,

SENATE BILL NO. 6345,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6356,

SUBSTITUTE SENATE BILL NO. 6363,

SENATE BILL NO. 6371,

SUBSTITUTE SENATE BILL NO. 6519,

and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 2016

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5145,  
 SENATE BILL NO. 5265,  
 SENATE BILL NO. 5342,  
 SENATE BILL NO. 5458,  
 SENATE BILL NO. 5549,  
 SUBSTITUTE SENATE BILL NO. 5767,  
 SUBSTITUTE SENATE BILL NO. 5864,  
 SENATE BILL NO. 6148,  
 SENATE BILL NO. 6162,  
 SENATE BILL NO. 6170,  
 SUBSTITUTE SENATE BILL NO. 6177,  
 SENATE BILL NO. 6196,  
 SENATE BILL NO. 6202,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6206,  
 SUBSTITUTE SENATE BILL NO. 6219,  
 SENATE BILL NO. 6220,  
 SUBSTITUTE SENATE BILL NO. 6281,  
 SENATE BILL NO. 6282,  
 SUBSTITUTE SENATE BILL NO. 6284,  
 SUBSTITUTE SENATE BILL NO. 6286,  
 SUBSTITUTE SENATE BILL NO. 6290,  
 SUBSTITUTE SENATE BILL NO. 6295,  
 SUBSTITUTE SENATE BILL NO. 6326,  
 SUBSTITUTE SENATE BILL NO. 6341,  
 SUBSTITUTE SENATE BILL NO. 6342,  
 SUBSTITUTE SENATE BILL NO. 6354,  
 SENATE BILL NO. 6376,  
 SENATE BILL NO. 6398,  
 SENATE BILL NO. 6401,  
 SUBSTITUTE SENATE BILL NO. 6421,  
 SUBSTITUTE SENATE BILL NO. 6463,  
 SUBSTITUTE SENATE BILL NO. 6466,  
 SENATE BILL NO. 6491,  
 SUBSTITUTE SENATE BILL NO. 6498,  
 SUBSTITUTE SENATE BILL NO. 6569,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6606,  
 SENATE BILL NO. 6633,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6674 by Senators McAuliffe, McCoy, Fraser, Chase and Litzow

AN ACT Relating to support public schools special license plates; amending RCW 46.68.425; reenacting and amending RCW 46.18.200 and 46.17.220; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6675 by Senators McAuliffe and Litzow

AN ACT Relating to a joint transportation committee study on the Interstate 405 express toll lanes; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1581 by House Committee on Transportation  
 (originally sponsored by Representatives Fey, Rodne, Moscoso, Sells, Hayes and Hurst)

AN ACT Relating to the distribution of the thirty dollar vehicle license fee; amending RCW 46.68.030; and providing an effective date.

E2SHB 2872 by House Committee on Appropriations  
 (originally sponsored by Representatives Fey, Hayes, Clibborn, Moscoso, Rodne, Tarleton, Kilduff, Muri, Fitzgibbon, Appleton, Stokesbary, Stanford, Griffey, Senn, Bergquist, S. Hunt, Ortiz-Self, Gregerson and Ormsby)

AN ACT Relating to the recruitment and retention of Washington state patrol commissioned officers; amending RCW 43.43.380; creating new sections; and declaring an emergency.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated, with the exception of Engrossed Substitute House Bill No. 1581 and Engrossed Second Substitute House Bill 2872 which were held at the desk.

MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the eighth order of business.

MOTION

Senator Chase moved adoption of the following resolution:

SENATE RESOLUTION  
 8723

By Senators Chase, Roach, Honeyford, Keiser, Fraser, Nelson, McCoy, Erickson, and Conway

WHEREAS, Hunger affects millions of people nationwide, including children, seniors, and military veterans; and

WHEREAS, Food bank shelves filled from winter holiday giving are often bare in late spring; and

WHEREAS, When school meal programs end in the summertime, millions of families with school age children must find alternate sources of food; and

WHEREAS, In 2015, the National Association of Letter Carriers' "Stamp Out Hunger" food drive collected 71 million pounds of donated food, which were distributed locally in 10,000 cities and towns across America; and

WHEREAS, In Washington state in 2015, 1.7 million pounds of donated food was collected by letter carriers; and

WHEREAS, In 2016, thousands of households in Washington state will struggle to provide enough food for their families; and

WHEREAS, The National Association of Letter Carriers

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continues to work to end the challenges of hunger in Washington state through its 24th annual "Stamp Out Hunger" food drive; and

WHEREAS, On May 14, 2016, the second Saturday in May, letter carriers will collect food donations to be distributed to food banks and pantries at a much needed time of the year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate support the observation of Saturday, May 14, 2016, as the National Association of Letter Carriers' "Stamp Out Hunger" food drive day in Washington state, and urge all Washingtonians to join in this special observance.

Senator Chase spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8723.

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

#### MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the seventh order of business.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Ranker moved that James Groves, Gubernatorial Appointment No. 9267, be confirmed as a member of the Bellingham Technical College Board of Trustees.

Senator Ranker spoke in favor of the motion.

#### APPOINTMENT OF JAMES GROVES

The President declared the question before the Senate to be the confirmation of James Groves, Gubernatorial Appointment No. 9267, as a member of the Bellingham Technical College Board of Trustees.

The Secretary called the roll on the confirmation of James Groves, Gubernatorial Appointment No. 9267, as a member of the Bellingham Technical College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hobbs, Honeyford, Jayapal, Keiser, King, Llias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Absent: Senators Benton and Hill

James Groves, Gubernatorial Appointment No. 9267, having received the constitutional majority was declared confirmed as a member of the Bellingham Technical College Board of Trustees.

#### MOTION

On motion of Senator Rivers, and without objection, Senator Hill was excused.

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and

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Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5046,  
SECOND ENGROSSED SENATE BILL NO. 5251,  
SENATE BILL NO. 5581,  
ENGROSSED SENATE BILL NO. 5873,  
SENATE BILL NO. 6200,  
SENATE BILL NO. 6205,  
SUBSTITUTE SENATE BILL NO. 6254,  
SENATE BILL NO. 6263,  
SENATE BILL NO. 6296,  
SENATE BILL NO. 6299,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6309,  
SENATE BILL NO. 6345,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6356,  
SUBSTITUTE SENATE BILL NO. 6363,  
SENATE BILL NO. 6371,  
SUBSTITUTE SENATE BILL NO. 6519,

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Baumgartner moved that Michael O. Finley, Gubernatorial Appointment No. 9259, be confirmed as a member of the Eastern Washington University Board of Trustees.

Senator Baumgartner spoke in favor of the motion.

#### APPOINTMENT OF MICHAEL O. FINLEY

The President declared the question before the Senate to be the confirmation of Michael O. Finley, Gubernatorial Appointment No. 9259, as a member of the Eastern Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Michael O. Finley, Gubernatorial Appointment No. 9259, as a member of the Eastern Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hobbs, Honeyford, Jayapal, Keiser, King, Llias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Excused: Senator Hill

Michael O. Finley, Gubernatorial Appointment No. 9259, having received the constitutional majority was declared confirmed as a member of the Eastern Washington University Board of Trustees.

#### MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the sixth order of business.

#### SECOND READING

HOUSE BILL NO. 2391, by Representatives McCabe, Appleton, Griffey, Tharinger, Springer, Peterson, McBride,

Manweller, Johnson, Reykdal, Chandler, Fitzgibbon, Dent, Kochmar, Wilcox, Pike and Moscoso

Concerning county payroll draw days.

The measure was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and McCoy 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. 2391.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2391 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

HOUSE BILL NO. 2391, 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. 1875, by House Committee on Appropriations (originally sponsored by Representatives Walsh, Kagi, Johnson, Sawyer, Pettigrew, Moscoso, Zeiger, Ormsby, Appleton and Young)

Concerning the definition of work activity for the purposes of the WorkFirst program.

The measure was read the second time.

#### MOTION

Senator O'Ban 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:

"Sec. 1. RCW 74.08A.250 and 2013 c 39 s 27 are each amended to read as follows:

Unless the context clearly requires otherwise, as used in this chapter, "work activity" means:

(1) Unsubsidized paid employment in the private or public sector;

(2) Subsidized paid employment in the private or public sector, including employment through the state or federal work-study program for a period not to exceed twenty-four months;

(3) Work experience, including:

(a) An internship or practicum, that is paid or unpaid and is

required to complete a course of vocational training or to obtain a license or certificate in a high-demand occupation, as determined by the employment security department. No internship or practicum shall exceed twelve months; or

(b) Work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available;

(4) On-the-job training;

(5) Job search and job readiness assistance;

(6) Community service programs, including a recipient's voluntary service at a child care or preschool facility licensed under chapter 43.215 RCW or an elementary school in which his or her child is enrolled;

(7) Vocational educational training, not to exceed twelve months with respect to any individual. This twelve-month limit may be increased to twenty-four months under the following conditions:

(a) For the purposes of this section and RCW 74.08A.341, vocational educational training that exceeds twelve months is limited to vocational educational training for high-demand/high-wage jobs which means (i) information technology, health care, or other professional-technical programs that can be completed in twenty-four months or less; or (ii) certificate/degree completion, not to exceed a baccalaureate degree, in a high-wage/high-demand field on an exception basis. The high-wage/high-demand criteria for this option is based on median income and high-demand occupations within the local labor market as determined by the employment security department;

(b) The authorization to exceed the twelve-month limit is contingent on the individual making progress towards successful completion of the program; and

(c) The authorization to exceed the twelve-month limit applies only during state fiscal years in which the department projects that the state will comply with all federal requirements for temporary assistance for needy families work participation rates and will not be subject to a penalty;

(8) Job skills training directly related to employment;

(9) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a high school equivalency certificate as provided in RCW 28B.50.536;

(10) Satisfactory attendance at secondary school or in a course of study leading to a high school equivalency certificate as provided in RCW 28B.50.536, in the case of a recipient who has not completed secondary school or received such a certificate;

(11) The provision of child care services to an individual who is participating in a community service program;

(12) Internships, that shall be paid or unpaid work experience performed by an intern in a business, industry, or government or nongovernmental agency setting;

(13) Practicums, which include any educational program in which a student is working under the close supervision of a professional in an agency, clinic, or other professional practice setting for purposes of advancing their skills and knowledge;

(14) Services required by the recipient under RCW 74.08.025(3) and 74.08A.010(4) to become employable;

(15) Financial literacy activities designed to be effective in assisting a recipient in becoming self-sufficient and financially stable; and

(16) Parent education services or programs that support development of appropriate parenting skills, life skills, and employment-related competencies.

Sec. 2. RCW 74.08A.341 and 2012 c 217 s 1 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.210 through 74.08A.330, 43.330.145, 43.215.545, and 74.25.040, and chapter 74.12 RCW within the following

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constraints:

(1) The program shall be operated within amounts appropriated by the legislature and consistent with policy established by the legislature to achieve self-sufficiency through work and the following additional outcomes:

(a) Recipients' economic status is improving through wage progression, job retention, and educational advancement;

(b) Recipients' status regarding housing stability, medical and behavioral health, and job readiness is improving;

(c) The well-being of children whose caretaker is receiving benefits on their behalf is improving with respect to child welfare and educational achievement.

(2)(a) The department shall create a budget structure that allows for more transparent tracking of program spending. The budget structure shall outline spending for the following: Temporary assistance for needy family grants, working connections child care, WorkFirst activities and administration of the program.

(b) Each biennium, the department shall establish a biennial spending plan, using the budget structure created in (a) of this subsection, for this program and submit the plan to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force no later than July 1st of every odd-numbered year, beginning on July 1, 2013. The department shall update the legislative fiscal committees and the task force on the spending plan if modifications are made to the plan previously submitted to the legislature and the task force for that biennium.

(c) The department also shall provide expenditure reports to the fiscal committees of the legislature and the legislative-executive WorkFirst oversight task force beginning September 1, 2012, and on a quarterly basis thereafter. If the department determines, based upon quarterly expenditure reports, that expenditures will exceed funding at the end of the fiscal year, the department shall take those actions necessary to ensure that services provided under this chapter are available only to the extent of and consistent with appropriations in the operating budget and policy established by the legislature following notification provided in (b) of this subsection.

(3) No more than fifteen percent of the temporary assistance for needy families block grant, the federal child care funds, and qualifying state expenditures may be spent for administrative purposes. For purposes of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193.

(4) The department shall expend funds appropriated for work activities, as defined in RCW 74.08A.250, or for other services provided to WorkFirst recipients, as authorized under RCW 74.08A.290. The vocational educational training work activity, as defined in RCW 74.08A.250, is subject to the availability of amounts appropriated for this purpose.

**NEW SECTION.** Sec. 3. A new section is added to chapter 43.131 RCW to read as follows:

The definition of "work activity" related to the length of vocational educational training a WorkFirst participant may receive as established under section 1 of this act shall be terminated on August 1, 2019, as provided in section 4 of this act.

**NEW SECTION.** Sec. 4. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective August 1, 2020:

Section 1, chapter ..., Laws of 2016 (section 1 of this act)."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 74.08A.250 and 74.08A.341; and adding new sections to chapter 43.131 RCW."

**MOTION**

Senator Miloscia moved that the following amendment no. 720 by Senator Miloscia to the committee striking amendment be adopted:

On page 4, line 21 of the amendment, after "August 1," strike "2019" and insert "2021"

On page 4, line 25 of the amendment, after "August 1," strike "2020" and insert "2022"

Senators Miloscia and Darneille 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 amendment no. 720 by Senator Miloscia to the committee striking amendment to Engrossed Substitute House Bill No. 1875.

The motion by Senator Miloscia carried and the 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 Ways & Means, as amended, to Engrossed Substitute House Bill No. 1875.

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

**MOTION**

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute House Bill No. 1875, 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 O'Ban 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. 1875, as amended by the Senate.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1875 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1875**, 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**

HOUSE BILL NO. 2918, by Representatives Gregerson, Pike, Moscoso, Orwall, Robinson, Hudgins, Van De Wege, Appleton, Stanford and Goodman

Granting a city or town the authority to establish and operate a traffic school without county consent, control, or supervision.

The measure was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2918 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 House Bill No. 2918.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2918 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

HOUSE BILL NO. 2918, 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. 2842, by Representatives Schmick, Wylie, Nealey, Reykdal, Dye and Walsh

Financing of improvements for state-owned lands to be transferred for private development.

The measure was read the second time.

#### MOTION

On motion of Senator Brown, the rules were suspended, House Bill No. 2842 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 House Bill No. 2842.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2842 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland,

Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hobbs, Honeyford, Jayapal, Keiser, King, Llias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Excused: Senator Hill

HOUSE BILL NO. 2842, 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. 2637, by Representatives Manweller, DeBolt, G. Hunt and Zeiger

Creating the Washington state historic cemetery preservation capital grant program.

The measure was read the second time.

#### MOTION

Senator Roach 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. A new section is added to chapter 27.34 RCW to read as follows:

(1) The Washington state historic cemetery preservation capital grant program is created in the department.

(2) The capital grant program is intended to benefit the public by preserving outstanding examples of the state's historical heritage, enabling historic cemeteries to continue to serve their communities, and honoring the military veterans buried within them.

(3) Subject to appropriation, grants may be awarded each biennium for construction, renovation, or rehabilitation projects that preserve the historic character, features, and materials of the cemetery, or that maintain or improve the functions of the cemetery.

(4) A capital grant award may not exceed fifty thousand dollars, adjusted biennially for inflation. The department may not require applicants to provide matching funds.

(5) Eligible applicants for capital grants include cemetery property owners, nonprofit organizations, and local governments.

(6) Applications for the capital grant program must be submitted to the department in a form and manner prescribed by the department. The applications must include a history of the cemetery which the department shall maintain on file.

(7) The director shall establish a committee to review applications. The committee shall consist of at least five members with expertise or association with historic preservation, cemetery associations, local cemetery boards, and other associations or professional organizations the director deems appropriate. When evaluating and prioritizing projects, the committee shall consider the following criteria:

(a) The relative historical significance of the cemetery;

(b) Whether the proposed project will result in lower costs of maintenance and operations; and

(c) The relative percentage of military burials in the cemetery.

(8) The conditions in this subsection must be met by recipients of funding in order to satisfy the public benefit requirements of the historic cemetery preservation capital grant program.

(a) The committee shall provide the department a prioritized

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list of projects for funding. The department and grant recipient must execute a contract before work on the grant project begins. The contract must specify public benefit and minimum maintenance requirements.

(b) Grant recipients must proactively maintain their historic cemetery for a minimum of ten years.

(c) Public access to the exterior of properties that are not visible from a public right-of-way must be provided under reasonable terms and circumstances, including the requirement that visits by nonprofit organizations or school groups must be offered at least one day per year. Tribal access must be provided under reasonable terms and circumstances to historic cemeteries in which there are Indian burials.

(9) Projects must be initiated within one year of funding approval and completed within two years, unless an extension is provided in writing by the department.

(10) If a recipient of an historic cemetery preservation capital grant, or subsequent owner of a property that was assisted by a grant, takes any action within ten years of the award with respect to the assisted property such as dismantlement, removal, substantial alteration, or any other action inconsistent with the property's status as a cemetery, the grant must be repaid in full within one year."

On page 1, line 2 of the title, after "cemeteries;" strike the remainder of the title and insert "and adding a new section to chapter 27.34 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 2637.

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

#### MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2637, 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 McCoy spoke in favor of passage of the bill.

Senator Lias spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2637, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2637, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Habib, Hargrove, Hasegawa, Hewitt, Hobbs, Honeyford, Jayapal, Keiser, King, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Billig, Carlyle, Dansel, Erickson, Frockt, Lias and Nelson

Excused: Senator Hill

HOUSE BILL NO. 2637, 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

HOUSE BILL NO. 2326, by Representatives Moeller and Appleton

Transferring regulatory authority over independent review organizations to the insurance commissioner.

The measure was read the second time.

#### MOTION

On motion of Senator Becker, the rules were suspended, House Bill No. 2326 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Cleveland 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. 2326.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2326 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Baumgartner, Braun, Brown, Dammeier, Dansel, Erickson, O'Ban and Padden

Excused: Senator Hill

HOUSE BILL NO. 2326, 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. 2831, by House Committee on Commerce & Gaming (originally sponsored by Representative Hurst)

Assisting small businesses licensed to sell liquor in Washington state.

The measure was read the second time.

#### MOTION

Senator Baumgartner 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. A new section is added to chapter 66.24 RCW to read as follows:

(1) There is a wine retailer reseller endorsement to a beer and/or wine specialty shop license issued under RCW 66.24.371,

to sell wine at retail in original containers to retailers licensed to sell wine for consumption on the premises, for resale at their licensed premises according to the terms of the license. However, no single sale may exceed twenty-four liters, unless the sale is made by a licensee that was a former state liquor store or contract liquor store at the location from which such sales are made. For the purposes of this title, a beer and/or wine specialty shop license is a retail license, and a sale by a beer and/or wine specialty shop license with a reseller endorsement is a retail sale only if not for resale. The annual fee for the wine retailer reseller endorsement is one hundred ten dollars for each store.

(2) A beer and/or wine specialty shop licensee with a wine retailer reseller endorsement issued under this section may accept delivery of wine at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed premises, to other registered facilities, or to lawful purchasers outside the state. Facilities may be registered and utilized by associations, cooperatives, or comparable groups of beer and/or wine specialty shop licensees.

(3) A beer and/or wine specialty shop licensee, selling wine under the endorsement created in this section, may sell a maximum of five thousand liters of wine per day for resale to retailers licensed to sell wine for consumption on the premises.

Sec. 2. RCW 66.28.340 and 2012 c 2 s 123 are each amended to read as follows:

(1) A retailer authorized to sell wine may accept delivery of wine at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed retailers, to other registered facilities, or to lawful purchasers outside the state; such facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers including at least one retailer licensed to sell wine. A restaurant retailer authorized to sell spirits may accept delivery of spirits at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed retailers, to other registered facilities, or to lawful purchasers outside the state; such facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers including at least one restaurant retailer licensed to sell spirits. Nothing in this section authorizes sales of spirits or wine by a retailer holding only an on-sale privilege to another retailer.

(2) A retailer authorized to sell both wine and spirits for consumption off the licensed premises may accept delivery of wine and spirits at its licensed premises, at another licensed premises as designated by the retailer, or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed retailers, to other registered facilities, or to lawful purchasers outside the state. Such warehouse facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers including at least one retailer licensed to sell both spirits and wine. For purposes of negotiating volume discounts, a group of individual retailers authorized to sell both wine and spirits for consumption off the licensed premises may accept delivery of wine and spirits at a single location, which may be their individual licensed premises or at any one of the individual licensee's

premises, or at a warehouse facility registered with the board."

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 66.28.340; and adding a new section to chapter 66.24 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2831.

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

#### MOTION

On motion of Senator Baumgartner, the rules were suspended, Substitute House Bill No. 2831, 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 Baumgartner and Conway 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. 2831, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2831, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dansel, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hobbs, Honeyford, Jayapal, Keiser, King, Llias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Dammeier, Darneille, Nelson and Pearson

Excused: Senator Hill

SUBSTITUTE HOUSE BILL NO. 2831, 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. 2876, by House Committee on Judiciary (originally sponsored by Representatives Orwall, Kirby and Griffey)

Addressing the foreclosure of deeds of trust.

The measure was read the second time.

#### MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 2876 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the

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final passage of Substitute House Bill No. 2876.

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SECOND READING

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2876 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hobbs, Honeyford, Jayapal, Keiser, King, Llias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon, Takko and Warnick

Excused: Senator Hill

SUBSTITUTE HOUSE BILL NO. 2876, 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.

## RULING BY THE PRESIDENT

President Owen: "In ruling on the Point of Order raised by Senator Llias as to whether amendment no. 723 to the committee amendment to Substitute House Bill No. 2427 fits within the scope and object of the underlying bill, the President finds and rules as follows:

Sen. Llias's challenge requires the President to compare the contents of Sen. Benton's proposed amendment to the contents of the bill as it arrived before the body. To be more direct, the President considers the language of Substitute House Bill No. 2427 as it arrived in the Senate, and reviews the language of the amendment to determine whether it would fit within the scope and object of the House substitute bill.

Substitute House Bill No. 2427 is a bill that addresses several processes that are used by local government. The common theme of the bill's subject is summarized in the intent section as follows: "it is the intent of the legislature that the following sections allow local government to pursue modern methods of serving their residents while preserving the public's right to access public records, and judiciously using scarce county resources to achieve maximum benefit.

The substantive sections of Substitute House Bill No. 2427 follow that theme: applicable to local governments throughout the state, it increases use of electronic signatures, clarifies several definitions for use in local government processes, simplifies use of warrants, expands the use of internet addresses, streamlines local government bidding procedures, and reduces the amount of information to be included in certain citations.

By contrast, Sen. Benton's proposed amendment substantively modifies the Growth Management Act (GMA) for a single county. Creating specific GMA provisions regarding "freight rail dependent uses," the amendment would alter the powers of one county to differently regulate lands adjacent to short line railroads. This substantive provision has no connection to the purpose of Substitute House Bill No. 2427.

For these reasons, the President finds that Sen. Benton's amendment is not within the scope and object of Substitute House Bill No. 2427, and Senator Llias's point of order is well-taken."

The Senate resumed consideration of Substitute House Bill No. 2427 which had been deferred on the previous day.

SUBSTITUTE HOUSE BILL NO. 2427, by House Committee on Local Government (originally sponsored by Representatives Springer, Stokesbary, Fitzgibbon, Muri, Appleton and Kilduff)

Concerning local government modernization.

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:

"**NEW SECTION.** Sec. 1. Local governments must be efficient and prudent stewards of our residents' tax resources. To best serve our communities, certain local government statutes must be amended to reflect technological and organizational change. It is the intent of the legislature to clarify current authorities so that local government can better serve their residents, and it is the intent of the legislature that the following sections allow local government to pursue modern methods of serving their residents while preserving the public's right to access public records, and judiciously using scarce county resources to achieve maximum benefit.

Sec. 2. RCW 19.360.020 and 2015 c 72 s 2 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or agency rule, whenever the use of a written signature is authorized or required by this code with a state or local agency, an electronic signature may be used with the same force and effect as the use of a signature affixed by hand, as long as the electronic signature conforms to the definition in RCW 19.360.030 and the writing conforms to RCW 19.360.040.

(2) Except as otherwise provided by law, each state or local agency may determine whether, and to what extent, the agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. Nothing in this act requires a state or local agency to send or accept electronic records or electronic signatures when a writing or signature is required by statute.

(3) Except as otherwise provided by law, for governmental affairs and governmental transactions with state agencies, each state agency electing to send and accept shall establish the method that must be used for electronic submissions and electronic signatures. The method and process for electronic submissions and the use of electronic signatures must be established by policy or rule and be consistent with the policies, standards, or guidance established by the chief information officer required in subsection (4) of this section.

(4)(a) The chief information officer, in coordination with state agencies, must establish standards, guidelines, or policies for the electronic submittal and receipt of electronic records and electronic signatures for governmental affairs and governmental transactions. The standards, policies, or guidelines must take into account reasonable access by and ability of persons to participate in governmental affairs or governmental transactions and be able to rely on transactions that are conducted electronically with agencies. Through the standards, policies, or guidelines, the chief

information officer should encourage and promote consistency and interoperability among state agencies.

(b) In order to provide a single point of access, the chief information officer must establish a web site that maintains or links to the agency rules and policies established pursuant to subsection (3) of this section.

(5) Except as otherwise provided by law, for governmental affairs and governmental transactions with local agencies, each local agency electing to send and accept shall establish the method that must be used for electronic submissions and electronic signatures. The method and process for electronic submissions and the use of electronic signatures must be established by ordinance, resolution, policy, or rule. The local agency shall also establish standards, guidelines, or policies for the electronic submittal and receipt of electronic records and electronic signatures for governmental affairs and governmental transactions. The standards, policies, or guidelines must take into account reasonable access by and ability of persons to participate in governmental affairs or governmental transactions and be able to rely on transactions that are conducted electronically with agencies.

Sec. 3. RCW 19.360.030 and 2015 c 72 s 3 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or rule or unless the context clearly indicates otherwise, whenever the term "signature" is used in this code for governmental affairs and is authorized by state or local agency ordinance, resolution, rule, or policy pursuant to RCW 19.360.020, the term includes an electronic signature as defined in subsection (2) of this section.

(2) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

Sec. 4. RCW 19.360.040 and 2015 c 72 s 4 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or rule or unless the context clearly indicates otherwise, whenever the term "writing" is used in this code for governmental affairs and is authorized by state or local agency ordinance, resolution, rule, or policy pursuant to RCW 19.360.020, the term means a record.

(2) "Record," as used in subsection (1) of this section, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, except as otherwise defined for the purpose of state or local agency record retention, preservation, or disclosure.

Sec. 5. RCW 19.360.050 and 2015 c 72 s 5 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or rule or unless the context clearly indicates otherwise, whenever the term "mail" is used in this code and authorized by state or local agency ordinance, resolution, rule, or policy pursuant to RCW 19.360.020 to transmit a writing with a state or local agency, the term includes the use of mail delivered through an electronic system such as email or secure mail transfer if authorized by the state agency in rule.

(2) For the purposes of this section, "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

Sec. 6. RCW 19.360.060 and 2015 c 72 s 6 are each amended to read as follows:

For purposes of RCW 19.360.020 through 19.360.050, "state agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the executive branch of state government, including statewide elected offices and institutions of higher education created and supported by the state government. "Local agency" means every county, city,

town, municipal corporation, quasi-municipal corporation, special purpose district, or other local public agency.

Sec. 7. RCW 36.62.252 and 1984 c 26 s 20 are each amended to read as follows:

Every county which maintains a county hospital or infirmary shall establish a "county hospital fund" into which fund shall be deposited all unrestricted moneys received from any source for hospital or infirmary services including money received for services to recipients of public assistance and other persons without income and resources sufficient to secure such services. The county may maintain other funds for restricted moneys. Obligations incurred by the hospital shall be paid from such funds by the county treasurer in the same manner as general county obligations are paid, except that in counties where a contract has been executed in accordance with RCW 36.62.290, warrants may be issued by the hospital administrator for the hospital, if authorized by the county legislative authority and the county treasurer. The county treasurer shall furnish to the county legislative authority a monthly report of receipts and disbursements in the county hospital funds which report shall also show the balance of cash on hand.

Sec. 8. RCW 36.32.235 and 2009 c 229 s 6 are each amended to read as follows:

(1) In each county with a population of four hundred thousand or more which by resolution establishes a county purchasing department, the purchasing department shall enter into leases of personal property on a competitive basis and purchase all supplies, materials, and equipment on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases that are paid from the county road fund or equipment rental and revolving fund.

(2) As used in this section, "public works" has the same definition as in RCW 39.04.010.

(3) Except as otherwise specified in this chapter or in chapter 36.77 RCW, all counties subject to these provisions shall contract on a competitive basis for all public works after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection.

(4) An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper is sufficient. Such advertisements shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

(5) The bids shall be in writing, may be in either hard copy or electronic form as specified by the county, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

(6) The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for

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good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law.

(7) If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(8) As limited by subsection (10) of this section, a county subject to these provisions may have public works performed by county employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period.

Whenever a county subject to these provisions has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works except emergency work under subsection (12) of this section within that budget period shall be done by contract pursuant to public notice and call for competitive bids as specified in subsection (3) of this section. The state auditor shall report to the state treasurer any county subject to these provisions that exceeds this amount and the extent to which the county has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(9) If a county subject to these provisions has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that county in its next budget period. Ten percent of the motor vehicle fuel tax distributions to that county shall be withheld if two years after the year in which the excess amount of work occurred, the county has failed to so reduce the amount of public works that it has performed by public employees. The amount withheld shall be distributed to the county when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been reduced as required.

(10) In addition to the percentage limitation provided in subsection (8) of this section, counties subject to these provisions containing a population of four hundred thousand or more shall not have public employees perform a public works project in excess of ninety thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of forty-five thousand dollars if only a single craft or trade is involved with the public works project. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by public employees on a single project.

The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(11) In addition to the accounting and recordkeeping requirements contained in chapter 39.04 RCW, any county which uses public employees to perform public works projects under RCW 36.32.240(1) shall prepare a year-end report to be

submitted to the state auditor indicating the total dollar amount of the county's public works construction budget and the total dollar amount for public works projects performed by public employees for that year.

The year-end report submitted pursuant to this subsection to the state auditor shall be in accordance with the standard form required by RCW 43.09.205.

(12) Notwithstanding any other provision in this section, counties may use public employees without any limitation for emergency work performed under an emergency declared pursuant to RCW 36.32.270, and any such emergency work shall not be subject to the limitations of this section. Publication of the description and estimate of costs relating to correcting the emergency may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the county legislative authority shall adopt a resolution certifying the damage to public facilities and costs incurred or anticipated relating to correcting the emergency. Additionally this section shall not apply to architectural and engineering or other technical or professional services performed by public employees in connection with a public works project.

(13) In lieu of the procedures of subsections (3) through (11) of this section, a county may let contracts using the small works roster process provided in RCW 39.04.155.

Whenever possible, the county shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(14) The allocation of public works projects to be performed by county employees shall not be subject to a collective bargaining agreement.

(15) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW.

(16) Nothing in this section prohibits any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(17) This section does not apply to contracts between the public stadium authority and a team affiliate under RCW 36.102.060(4), or development agreements between the public stadium authority and a team affiliate under RCW 36.102.060(7) or leases entered into under RCW 36.102.060(8).

Sec. 9. RCW 36.32.245 and 2007 c 88 s 1 are each amended to read as follows:

(1) No contract for the purchase of materials, equipment, or supplies may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. Bid specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the official newspaper of the county stating the time and place where bids will be opened, the time after which bids will not be received, the materials, equipment, supplies, or services to be purchased, and that the specifications may be seen at the office of the clerk of the county legislative authority. The advertisement shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

(2) The bids shall be in writing, may be in either hard copy or electronic form as specified by the county, and shall be filed with the clerk. The bids shall be opened and read in public at the time and place named in the advertisement. Contracts requiring competitive bidding under this section may be awarded only to the lowest responsible bidder. Immediately after the award is made, the bid quotations shall be recorded and open to public inspection and shall be available by telephone inquiry. Any or all bids may be rejected for good cause.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between ((five)) ten thousand and ((twenty-five)) fifty thousand dollars, the county legislative authority must use the uniform process to award contracts as provided in RCW 39.04.190. Advertisement and formal sealed bidding may be dispensed with as to purchases of less than ((five)) ten thousand dollars upon the order of the county legislative authority.

(4) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW; or contracts and purchases for the printing of election ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles.

(5) Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(6) This section does not apply to contracting for public defender services by a county.

Sec. 10. RCW 35.58.585 and 2008 c 123 s 2 are each amended to read as follows:

(1) Both a metropolitan municipal corporation and a city-owned transit system may establish, by resolution, a schedule of fines and penalties for civil infractions established in RCW 35.58.580. Fines established shall not exceed those imposed for class 1 infractions under RCW 7.80.120.

(2)(a) Both a metropolitan municipal corporation and a city-owned transit system may designate persons to monitor fare payment who are equivalent to, and are authorized to exercise all the powers of, an enforcement officer as defined in RCW 7.80.040. Both a metropolitan municipal corporation and a city-owned transit system may employ personnel to either monitor fare payment or contract for such services, or both.

(b) In addition to the specific powers granted to enforcement officers under RCW 7.80.050 and 7.80.060, persons designated to monitor fare payment may also take the following actions:

(i) Request proof of payment from passengers;

(ii) Request personal identification from a passenger who does not produce proof of payment when requested;

(iii) Issue a citation for a civil infraction established in RCW 35.58.580 conforming to the requirements established in RCW 7.80.070, except that the form for the notice of civil infraction must be approved by the administrative office of the courts and must not include vehicle information; and

(iv) Request that a passenger leave the bus or other mode of public transportation when the passenger has not produced proof of payment after being asked to do so by a person designated to monitor fare payment.

(3) Both a metropolitan municipal corporation and a city-owned transit system shall keep records of citations in the manner prescribed by RCW 7.80.150. All civil infractions established by this section and RCW 35.58.580 and 35.58.590 shall be heard and determined by a district court as provided in RCW 7.80.010 (1) and (4).

Sec. 11. RCW 36.57A.030 and 1977 ex.s. c 44 s 1 are each amended to read as follows:

Any conference which finds it desirable to establish a public transportation benefit area or change the boundaries of any existing public transportation benefit area shall fix a date for a public hearing thereon, or the legislative bodies of any two or more component cities or the county legislative body by resolution may require the public transportation improvement conference to fix a date for a public hearing thereon. Prior to the convening of the public hearing, the county governing body shall delineate the area of the county proposed to be included within

the transportation benefit area, and shall furnish a copy of such delineation to each incorporated city within such area. Each city shall advise the county governing body, on a preliminary basis, of its desire to be included or excluded from the transportation benefit area by means of an ordinance adopted by the legislative body of that city. The county governing body shall cause the delineations to be revised to reflect the wishes of such incorporated cities. This delineation shall be considered by the conference at the public hearing for inclusion in the public transportation benefit area.

Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the area. The notice shall contain a description and map of the boundaries of the proposed public transportation benefit area and shall state the time and place of the hearing and the fact that any changes in the boundaries of the public transportation benefit area will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed public transportation benefit area.

The conference may make such changes in the boundaries of the public transportation benefit area as they shall deem reasonable and proper, but may not delete any portion of the proposed area which will create an island of included or excluded lands, and may not delete a portion of any city. If the conference shall determine that any additional territory should be included in the public transportation benefit area, a second hearing shall be held and notice given in the same manner as for the original hearing. The conference may adjourn the hearing on the formation of a public transportation benefit area from time to time not exceeding thirty days in all.

Following the conclusion of such hearing the conference shall adopt a resolution fixing the boundaries of the proposed public transportation benefit area, declaring that the formation of the proposed public transportation benefit area will be conducive to the welfare and benefit of the persons and property therein.

Within thirty days of the adoption of such conference resolution, the county legislative authority of each county wherein a conference has established proposed boundaries of a public transportation benefit area, may by resolution, upon making a legislative finding that the proposed benefit area includes portions of the county which could not be reasonably expected to benefit from such benefit area or excludes portions of the county which could be reasonably expected to benefit from its creation, disapprove and terminate the establishment of such public transportation benefit area within such county."

On page 1, line 1 of the title, after "modernization;" strike the remainder of the title and insert "amending RCW 19.360.020, 19.360.030, 19.360.040, 19.360.050, 19.360.060, 36.62.252, 36.32.235, 36.32.245, 35.58.585, and 36.57A.030; and creating a new section."

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 Substitute House Bill No. 2427.

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

#### MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 2427, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senator Roach spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2427, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2427, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Conway, Dammeier, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hewitt, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Cleveland, Dansel and Hasegawa

Excused: Senator Hill

SUBSTITUTE HOUSE BILL NO. 2427, 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.

#### PERSONAL PRIVILEGE

Senator Rolfs: "Mr. President, I wanted to recognize for members that were paying attention and for members of the public that on that last bill, 2427, we were able to witness the clash of the parliamentary titans. It's Senator Benton versus Senator Lias. I wanted to congratulate both of you on your creativity and your will to work for the people of the state."

#### MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the fourth order of business.

#### MOTION

On motion of Senator Habib, and without objection, Senators Fraser and Habib were excused.

#### MESSAGE FROM THE HOUSE

March 4, 2016

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1022,  
SUBSTITUTE HOUSE BILL NO. 1111,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1213,  
HOUSE BILL NO. 1345,  
ENGROSSED HOUSE BILL NO. 1409,  
ENGROSSED HOUSE BILL NO. 1578,  
ENGROSSED HOUSE BILL NO. 1752,  
SUBSTITUTE HOUSE BILL NO. 1830,  
HOUSE BILL NO. 1858,  
FOURTH SUBSTITUTE HOUSE BILL NO. 1999,  
HOUSE BILL NO. 2023,  
HOUSE BILL NO. 2262,

HOUSE BILL NO. 2280,  
HOUSE BILL NO. 2309,  
HOUSE BILL NO. 2317,  
HOUSE BILL NO. 2322,  
SUBSTITUTE HOUSE BILL NO. 2357,  
HOUSE BILL NO. 2360,  
HOUSE BILL NO. 2371,  
HOUSE BILL NO. 2384,  
HOUSE BILL NO. 2398,  
ENGROSSED HOUSE BILL NO. 2400,  
HOUSE BILL NO. 2403,  
SUBSTITUTE HOUSE BILL NO. 2405,  
SUBSTITUTE HOUSE BILL NO. 2410,  
SUBSTITUTE HOUSE BILL NO. 2413,  
SUBSTITUTE HOUSE BILL NO. 2425,  
HOUSE BILL NO. 2432,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2433,  
SUBSTITUTE HOUSE BILL NO. 2443,  
HOUSE BILL NO. 2444,  
SUBSTITUTE HOUSE BILL NO. 2448,  
HOUSE BILL NO. 2457,  
HOUSE BILL NO. 2476,  
SUBSTITUTE HOUSE BILL NO. 2498,  
HOUSE BILL NO. 2516,  
HOUSE BILL NO. 2520,  
HOUSE BILL NO. 2521,  
SUBSTITUTE HOUSE BILL NO. 2539,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540,  
HOUSE BILL NO. 2557,  
HOUSE BILL NO. 2565,  
HOUSE BILL NO. 2587,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2591,  
HOUSE BILL NO. 2597,  
SUBSTITUTE HOUSE BILL NO. 2598,  
HOUSE BILL NO. 2599,  
HOUSE BILL NO. 2605,  
HOUSE BILL NO. 2623,  
HOUSE BILL NO. 2624,  
HOUSE BILL NO. 2634,  
HOUSE BILL NO. 2651,  
HOUSE BILL NO. 2663,  
SUBSTITUTE HOUSE BILL NO. 2678,  
SECOND SUBSTITUTE HOUSE BILL NO. 2726,  
ENGROSSED HOUSE BILL NO. 2745,  
SUBSTITUTE HOUSE BILL NO. 2765,  
HOUSE BILL NO. 2768,  
HOUSE BILL NO. 2772,  
HOUSE BILL NO. 2773,  
HOUSE BILL NO. 2781,  
HOUSE BILL NO. 2800,  
HOUSE BILL NO. 2807,  
HOUSE BILL NO. 2815,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2852,  
SUBSTITUTE HOUSE BILL NO. 2859,  
SUBSTITUTE HOUSE BILL NO. 2875,  
SUBSTITUTE HOUSE BILL NO. 2884,  
HOUSE BILL NO. 2886,  
SUBSTITUTE HOUSE BILL NO. 2900,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,

and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

#### MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the sixth order of business.

#### SECOND READING

**SECOND SUBSTITUTE HOUSE BILL NO. 1408**, by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Magendanz, Sawyer, Santos, Senn, Robinson, Orwall, Tarleton, Bergquist and Gregerson)

Concerning the development of a definition and model for "family engagement coordinator" and other terms used interchangeably with it.

The measure was read the second time.

#### MOTION

On motion of Senator Litzow, the rules were suspended, Second Substitute House Bill No. 1408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1408.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1408 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Frockt, Hargrove, Hasegawa, Hewitt, Hobbs, Honeyford, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Dansel, Erickson and Padden

Excused: Senators Fraser, Habib and Hill

**SECOND SUBSTITUTE HOUSE BILL NO. 1408**, 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 HOUSE BILL NO. 2883**, by Representatives Senn, Chandler and Ormsby

Addressing government efficiency by eliminating or revising the requirements for state agency reports.

The measure was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Engrossed House Bill No. 2883 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2883.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2883 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Frockt, Hargrove, Hewitt, Hobbs, Honeyford, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Hasegawa and Nelson

Excused: Senators Fraser, Habib and Hill

**ENGROSSED HOUSE BILL NO. 2883**, 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. 2771**, by Representatives Bergquist and Johnson

Concerning public hospital district contracts for material and work.

The measure was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2771 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 House Bill No. 2771.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2771 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Frockt, Hargrove, Hasegawa, Hewitt, Hobbs, Honeyford, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon, Takko and Warnick

Excused: Senators Fraser, Habib and Hill

**HOUSE BILL NO. 2771**, 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. 2511**, by

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House Committee on Early Learning & Human Services  
(originally sponsored by Representatives Pike, Scott, Vick, Shea, Walsh and Young)

Concerning child care center licensing requirements.

The measure was read the second time.

#### MOTION

Senator Billig moved that the following amendment no. 707 by Senators Billig and Rivers beginning on page 1, line 18 be adopted:

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

"**NEW SECTION.** Sec. 2. A new section is added to chapter 43.215 RCW to read as follows:

For children ages sixty months through six years, the child's school enrollment status may not be used as a reason to require the child be placed within a specific mixed-age group. Nothing in this section changes or requires the department to change the staff-to-child ratio requirements for mixed-age groups that include children who are ages thirty months through six years."

Senators Billig and Benton spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 707 by Senators Billig and Rivers on page 1, line 18 to Engrossed Substitute House Bill No. 2511.

The motion by Senator Billig carried and amendment no. 707 was adopted by voice vote.

#### MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Substitute House Bill No. 2511, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton 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. 2511, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2511 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Hill

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2511**, 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.

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SECOND READING

ENGROSSED HOUSE BILL NO. 2959, by Representatives Lytton, Nealey and Ormsby

Concerning local business tax and licensing simplification.

The measure was read the second time.

#### MOTION

Senator Brown moved that the following committee striking amendment by the Committee on Trade & Economic Development be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Sec. 1. (1) The legislature finds that over forty cities currently impose local business and occupation taxes and that approximately two hundred twelve cities require a business license. The legislature further finds that, unlike sales and use taxes and property taxes, the state has had little involvement in the administration of local business taxes. The legislature further finds that the business community has expressed concerns for decades with respect to local tax compliance and licensing obligations in numerous cities, which often tax and license similar transactions very differently. This lack of local uniformity, in conjunction with any lack of centralized administration, has created confusion and an undue burden on Washington businesses, especially smaller businesses that lack the financial wherewithal to seek sophisticated tax and licensing assistance.

(2) The legislature further finds that over the past fifteen years, the state and cities have made the following substantial inroads with respect to bringing uniformity to local business and occupation tax provisions and streamlining the collection of both local taxes and business licenses:

(a) In 2003, the legislature enacted Engrossed House Bill No. 2030 that provided for a more uniform system of municipal business and occupation taxes. It required the cities, working through the association of Washington cities, to form a committee to adopt a model ordinance for municipal business and occupation taxes. Engrossed House Bill No. 2030, through the model ordinance, establishes uniform local definitions, tax classifications, and apportionment methodology.

(b) In 1977, the legislature created a master license service to streamline business licensing and renewal. The program transferred to the department of revenue on July 1, 2011. The master license service was renamed to the business licensing service to better reflect the program's purpose: The business licensing service is the clearinghouse for business licensing, offering more than two hundred endorsements from ten state agency partners, and issuing local business licenses on behalf of approximately seventy cities, with more cities joining every year. Agency programs and municipalities retain full regulatory control over their registration and compliance requirements.

(c) In 2010, the governor signed Executive Order No. 10-05 – improving the way state government serves small business. The order outlined priorities to make it easier to do business in Washington state. In the executive order, the department was specifically charged with exploring, evaluating, and recommending tax simplification solutions as a way to assist small businesses, draw businesses to the state, and keep Washington competitive. The order called for a business process with findings and recommendations due to the governor by June 30, 2011. Based on extensive feedback from small businesses,

there was consensus that the top priority to simplify their tax burden is to have a single way to file taxes across the state. To meet this need, the department of revenue recommended centralizing administration of state and local business and occupation tax reporting, as is done with sales tax reporting today. In addition, the department recommended continued work to address feedback on administrative processes and ongoing efforts to look at integration of state systems, working towards a goal of a single business portal for small businesses to use to interact with the state. As part of the feedback provided to the department of revenue, local governments pointed out the following benefits of centralized administration, if it was revenue neutral and retained local flexibility regarding local tax rates, exemptions, deductions, and credits:

- (i) Reduce cities' administrative costs;
- (ii) Allow cities that cannot afford administration to have the option of enacting a local business and occupation tax;
- (iii) Increase statewide economic data;
- (iv) Reduce cities' employee workloads;
- (v) Potentially increase enforcement and broaden compliance;
- (vi) Eliminate redundant processes; and
- (vii) Provide an opportunity for state and local government to look at tax structure, reporting, etc., holistically.

(d) The cities of Seattle, Tacoma, Bellevue, and Everett have been working together since 2010 to simplify the process of local business licensing and business and occupation tax filing. In 2014, these cities signed an interlocal agreement to establish a "one-stop" system for tax payment and business license application filing to make it easier and more efficient for businesses to apply for local business licenses and file local taxes, while the cities retain local control over local licensing and tax collection functions and policies. This joint effort to create an internet web application gateway where tax collection and business licensing functions can be collectively administered, and where businesses operating in multiple cities can use a one-stop system for tax payment or local business license application filing, began operations in 2016 and is known as FileLocal.

(3) The legislature finds that despite the significant improvements to local business tax and licensing administration over the past fifteen years legislative action is still required. The legislature directs the state, cities, towns, and identified business associations to partner in developing options for centralized and simplified administration of local business and occupation taxes and business licensing, and in particular to evaluate the following:

- (a) Options to coordinate administration of local business and occupation taxes;
- (b) Options for centralized administration of local business and occupation taxes for those cities and towns that desire to participate in a state-provided alternative;
- (c) Options for all cities and towns to partner with the state business licensing service; and
- (d) Implementing data sharing and establishing a seamless state and local user interface for those cities and towns participating in FileLocal.

(4)(a) By January 1, 2017, the task force established in subsection (5) of this section must prepare legislation for introduction in 2017 that addresses the issues described in subsection (3) of this section.

(b) In conjunction with the legislation prepared by the task force under (a) of this subsection (4), the task force must also provide a report to the legislature by January 1, 2017, with the following:

- (i) Additional or alternative options to improve the administration of local business tax and licensing that are not described in subsection (3) of this section; and
- (ii) An examination of the differences in apportionment and

nexus between state and local business and occupation taxes, and how these differences affect taxpayers and cities.

(5)(a) A task force for local business tax and licensing simplification is established. The task force must consist of the following nine members:

- (i) Two representatives of the association of Washington business;
- (ii) One representative of the national federation of independent business;
- (iii) One representative of the association of Washington cities;
- (iv) One representative from a Washington city or town that imposes a local business and occupation tax and has a population greater than one hundred thousand persons using the most recent official population estimate determined under RCW 43.62.030 prior to the effective date of this section;
- (v) One representative from a Washington city or town that imposes a business and occupation tax and has a population of less than one hundred thousand persons using the most recent official population estimate determined under RCW 43.62.030 prior to the effective date of this section;
- (vi) One representative from FileLocal who is not otherwise included on the task force under (a)(iv) or (v) of this subsection (5);
- (vii) One representative from the Washington retail association; and
- (viii) One representative from the department of revenue.

(b) The task force may seek input or collaborate with any other parties it deems necessary. The department must serve as the task force chair and must staff the task force.

(c) Beginning in the first month following the effective date of this section, the task force must meet no less than once per month until it reports to the legislature as provided under subsection (4) of this section.

(d) The task force should focus on options that provide the greatest benefit to taxpayers. From these options, the task force must produce the report and legislation described in subsection (4) of this section. The legislation and report must be adopted and approved by a majority of the members of the task force, and the report must include a minority report if the task force does not reach consensus. If a member or a group to be represented in the task force does not participate in the task force or the task force's voting, the task force must adopt and approve the legislation and report described in subsection (4) of this section by a majority of those representatives participating.

(e) The task force terminates February 1, 2017, unless legislation is enacted to extend such termination date."

On page 1, line 2 of the title, after "simplification;" strike the remainder of the title and insert "and creating a new section."

## MOTION

Senator Litzow moved that the following amendment no. 712 by Senators Litzow and Habib on page 3, line 32 to the committee striking amendment be adopted:

On page 3, line 32 of the amendment, strike all of subsection (4) and insert the following:

"(4) By January 1, 2017, the task force established in subsection (5) of this section must prepare a report to the legislature with the following:

(a) Additional or alternative options to improve the administration of local business tax and licensing that are not described in subsection (3) of this section;

(b) An examination of the differences in apportionment and nexus between state and local business and occupation taxes, and

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how these differences affect taxpayers and cities; and

(c) Recommendations that address the issues described in subsection (3) of this section."

On page 4, line 40, after "report" strike "and legislation"

On page 5, line 1, after "section. The" strike "legislation and"

On page 5, line 6, after "approve the" strike "legislation and"

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

Senators Litzow and Pedersen 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 amendment no 712 by Senators Litzow and Habib to the committee striking amendment to Engrossed House Bill No. 2959.

The motion by Senator Litzow carried and the 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 Trade & Economic Development, as amended, to Engrossed House Bill No. 2959.

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

#### MOTION

On motion of Senator Brown, the rules were suspended, Engrossed House Bill No. 2959, 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 Brown, Angel, Chase, Ranker and Baumgartner spoke in favor of passage of the bill.

Senator Carlyle spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2959, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2959, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yeas: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Liias, Litzow, McAuliffe, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Carlyle, Fraser, Frockt, Habib, Jayapal and McCoy

**ENGROSSED HOUSE BILL NO. 2959**, 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. 1130, by House Committee on Environment (originally sponsored by

Representatives Fey, Short, Tharinger, Fitzgibbon and Gregerson)

Concerning water power license fees.

The measure was read the second time.

#### MOTION

Senator Ericksen moved that the following striking amendment no. 711 by Senators Ericksen and McCoy be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.16.050 and 2007 c 286 s 1 are each amended to read as follows:

(1) Every person, firm, private or municipal corporation, or association hereinafter called "claimant", claiming the right to the use of water within or bordering upon the state of Washington for power development, shall on or before the first day of January of each year pay to the state of Washington in advance an annual license fee, based upon the theoretical water power claimed under each and every separate claim to water according to the following schedule:

(a) For projects in operation: For each and every theoretical horsepower claimed up to and including one thousand horsepower, at the rate of eighteen cents per horsepower; for each and every theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of three and six-tenths cents per horsepower; for each and every theoretical horsepower in excess of ten thousand horsepower, at the rate of one and eight-tenths cents per horsepower.

(b) For federal energy regulatory commission projects in operation that are subject to review for certification under section 401 of the federal clean water act, the following fee schedule applies in addition to the fees in (a) of this subsection: For each theoretical horsepower of capacity up to and including one thousand horsepower, at the rate of thirty-two cents per horsepower; for each theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of six and four-tenths cents per horsepower; for each theoretical horsepower in excess of ten thousand horsepower, at the rate of three and two-tenths cents per horsepower.

(c) To justify the appropriate use of fees collected under (b) of this subsection, the department of ecology shall submit a progress report to the appropriate committees of the legislature prior to December 31, 2009, and biennially thereafter ((until December 31, 2017)).

(i) The progress report will: (A) Describe how license fees and other funds used for the work of the licensing program were expended in direct support of the federal energy regulatory commission licensing process and license implementation during the current biennium, and expected workload and full-time equivalent employees for federal energy regulatory commission licensing in the next biennium. In order to increase the financial accountability of the licensing, relicensing, and license implementation program, the report must include the amount of licensing fees and program funds that were expended on licensing work associated with each hydropower project. This project-specific program expenditure list must detail the program costs and staff time associated with each hydropower project during the time period immediately prior to license issuance process, the program costs and staff time deriving from the issuance or reissuance of a license to each hydropower project, and the

program costs and staff time associated with license implementation after the issuance or reissuance of a license to a hydropower project. This program cost and staff time information must be collected beginning July 1, 2016, and included in biennial reports addressing program years 2016 or later. The report must also include an estimate of the total workload, program costs, and staff time for work associated with either certification under section 401 of the federal clean water act or license implementation for federally licensed hydropower projects expected to occur in the next reporting period, or both. In addition, the report must provide sufficient information to determine that the fees charged are not for activities already performed by other state or federal agencies or tribes that have jurisdiction over a specific license requirement and that duplicative work and expense is avoided; (B) include any recommendations based on consultation with the departments of ecology and fish and wildlife, hydropower project operators, and other interested parties; and (C) recognize hydropower operators that exceed their environmental regulatory requirements.

(ii) The fees required in (b) of this subsection expire June 30, ((2017)) 2023. The biennial progress reports submitted by the department of ecology will serve as a record for considering the extension of the fee structure in (b) of this subsection.

(2) The following are exceptions to the fee schedule in subsection (1) of this section:

(a) For undeveloped projects, the fee shall be at one-half the rates specified for projects in operation; for projects partly developed and in operation the fees paid on that portion of any project that shall have been developed and in operation shall be the full annual license fee specified in subsection (1) of this section for projects in operation, and for the remainder of the power claimed under such project the fees shall be the same as for undeveloped projects.

(b) The fees required in subsection (1) of this section do not apply to any hydropower project owned by the United States.

(c) The fees required in subsection (1) of this section do not apply to the use of water for the generation of fifty horsepower or less.

(d) The fees required in subsection (1) of this section for projects developed by an irrigation district in conjunction with the irrigation district's water conveyance system shall be reduced by fifty percent to reflect the portion of the year when the project is not operable.

(e) Any irrigation district or other municipal subdivision of the state, developing power chiefly for use in pumping of water for irrigation, upon the filing of a statement showing the amount of power used for irrigation pumping, is exempt from the fees in subsection (1) of this section to the extent of the power used for irrigation pumping.

(3) In order to ensure accountability in the licensing, relicensing, and license implementation programs of the department of ecology and the department of fish and wildlife, the departments must implement the following administrative requirements:

(a)(i) Both the department of ecology and the department of fish and wildlife must be responsible for producing an annual work plan that addresses the work anticipated to be completed by each department associated with federal hydropower licensing and license implementation.

(ii) Both the department of ecology and the department of fish and wildlife must assign one employee to each licensed hydropower project to act as each department's designated licensing and implementation lead for a hydropower project. The responsibility assigned by each department to hydropower project licensing and implementation leads must include resolving conflicts with the license applicant or license holder and the

facilitation of department decision making related to license applications and license implementation for the particular hydropower project assigned to a licensing lead.

(b) The department of ecology and the department of fish and wildlife must host an annual meeting with parties interested in or affected by hydropower project licensing and the associated fees charged under this section. The purposes of the annual meeting must include soliciting information from interested parties related to the annual hydropower work plan required by (a) of this subsection and to the biennial progress report produced pursuant to subsection (1)(c)(i) of this section.

(c) Prior to the annual meeting required by (b) of this subsection, the department of fish and wildlife and the department of ecology must circulate a survey to hydropower licensees soliciting feedback on the responsiveness of department staff, clarity of staff roles and responsibilities in the hydropower licensing and implementation process, and other topics related to the professionalism and expertise of department staff assigned to hydropower project licensing projects. This survey must be designed by the department of fish and wildlife and the department of ecology after consulting with hydropower licensees and the results of the survey must be included in the biennial progress report produced pursuant to subsection (1)(c)(i) of this section. Prior to the annual meeting, the department of ecology and the department of fish and wildlife must analyze the survey results. The departments must present summarized information based on their analysis of survey results at the annual meeting for purposes of discussion with hydropower project licensees."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 90.16.050."

Senators Erickson and McCoy spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Erickson and McCoy to Substitute House Bill No. 1130.

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

## MOTION

On motion of Senator Erickson, the rules were suspended, Substitute House Bill No. 1130, 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 Erickson and McCoy spoke in favor of passage of the bill.

Senators Warnick and Parlette spoke against passage of the bill.

## MOTION

On motion of Senator Erickson, and without objection, Senator Rivers was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1130, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1130, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3;

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Absent, 0; Excused, 0.

Voting yeas: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon and Takko

Voting nays: Senators Parlette, Pearson and Warnick

SUBSTITUTE HOUSE BILL NO. 1130, 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. 2644, by House Committee on Judiciary (originally sponsored by Representatives Blake, Muri, Van De Wege, Jinkins, Kretz, Short, Fitzgibbon, Rossetti and McBride)

Concerning animal forfeiture in animal cruelty cases.

The measure was read the second time.

## MOTION

Senator Padden moved that the following striking amendment no. 729 by Senators Padden and Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 16.52.085 and 2011 c 172 s 3 are each amended to read as follows:

(1) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter or a person owns, cares for, or resides with an animal in violation of an order issued under RCW 16.52.200(4) and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.

(2) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

(3) Any owner whose domestic animal is removed pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.

(4) The agency having custody of the animal may euthanize

the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) Petitioning the district court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to post or renew a bond or security for the agency's continuing costs for the animal's care. When a court has prohibited the owner from owning, caring for, or residing with a similar animal under RCW 16.52.200(4), the agency having custody of the animal may assume ownership upon seizure and the owner may not prevent the animal's destruction or adoption by petitioning the court or posting a bond.

(5) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the district court of the county where the animal was removed for the animal's return. The petition shall be filed with the court((, with)). Copies of the petition must be served ((to)) on the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must ((deliver)) surrender the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the ((animal is returned,)) hearing on the petition, then the petition shall be joined with the criminal matter.

(6) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

(7) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

Sec. 2. RCW 16.52.200 and 2011 c 172 s 4 are each amended to read as follows:

(1) The sentence imposed for a misdemeanor or gross misdemeanor violation of this chapter may be deferred or suspended in accordance with RCW 3.66.067 and 3.66.068, however the probationary period shall be two years.

(2) In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall remain two years.

(3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur.

(4) Any person convicted of animal cruelty shall be prohibited from owning, caring for, or residing with any similar animals for a period of time as follows:

(a) Two years for a first conviction of animal cruelty in the second degree under RCW 16.52.207;

(b) Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205;

(c) Permanently for a second or subsequent conviction of

animal cruelty, except as provided in subsection (5) of this section.

(5) If a person has no more than two convictions of animal cruelty and each conviction is for animal cruelty in the second degree, the person may petition the sentencing court in which the most recent animal cruelty conviction occurred, for a restoration of the right to own or possess a similar animal five years after the date of the second conviction. In determining whether to grant the petition, the court shall consider, but not be limited to, the following:

(a) The person's prior animal cruelty in the second degree convictions;

(b) The type of harm or violence inflicted upon the animals;

(c) Whether the person has completed the conditions imposed by the court as a result of the underlying convictions;

(d) Whether the person complied with the prohibition on owning, caring for, or residing with similar animals; and

(e) Any other matters the court finds reasonable and material to consider in determining whether the person is likely to abuse another animal.

The court may delay its decision on forfeiture under subsection (3) of this section until the end of the probationary period.

(6) In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

(7) If convicted, the defendant shall also pay a civil penalty of one thousand dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.

(8) If a person violates the prohibition on owning, caring for, or residing with similar animals under subsection (4) of this section, that person:

(a) Shall pay a civil penalty of one thousand dollars for the first violation;

(b) Shall pay a civil penalty of two thousand five hundred dollars for the second violation; and

(c) Is guilty of a gross misdemeanor for the third and each subsequent violation.

(9) As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

(10) Nothing in this section limits the authority of a law enforcement officer, animal control officer, custodial agency, or court to remove, adopt, euthanize, or require forfeiture of an animal under RCW 16.52.085."

On page 1, line 1 of the title, after "cases;" strike the remainder of the title and insert "and amending RCW 16.52.085 and 16.52.200."

Senator Padden spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment no. 729 by Senators Padden and Pedersen to Substitute House Bill No. 2644.

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

## MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 2644, as amended by the Senate, 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 Substitute House Bill No. 2644, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2644, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yeas: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfsen, Schoesler, Sheldon, Takko and Warnick

Absent: Senator Dansel

SUBSTITUTE HOUSE BILL NO. 2644, 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.

## MOTION

On motion of Senator Habib, and without objection, Senator Carlyle was excused.

## SECOND READING

HOUSE BILL NO. 2929, by Representatives Parker, Ormsby and Pollet

Concerning temporary homeless housing by religious organizations.

The measure was read the second time.

## MOTION

Senator O'Ban moved that the following amendment no. 725 by Senators O'Ban and Darneille be adopted:

On page 2, line 19, after "fees" insert "on a religious organization"

On page 2, line 22, after "buildings" insert "owned and operated by a religious organization"

On page 2, line 24, after "construction" insert "and are being used for housing the homeless no longer than fifteen continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official"

On page 3, line 15, after "fees" insert "on a religious organization"

On page 3, line 18, after "buildings" insert "owned and

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operated by a religious organization"

On page 3, line 20, after "construction" insert "and are being used for housing the homeless no longer than fifteen continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official"

On page 4, line 11, after "fees" insert "on a religious organization"

On page 4, line 14, after "buildings" insert "owned and operated by a religious organization"

On page 4, line 16, after "construction" insert "and are being used for housing the homeless no longer than fifteen continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official"

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

"**NEW SECTION.** Sec. 6. The chair and ranking member of the house of representatives local government committee must convene a meeting of stakeholders impacted by the changes made in this act to assess the effectiveness of the provisions of this act no later than November 15, 2017."

On page 1, line 3 of the title, after "19.27 RCW;" strike the remainder of the title and insert "adding a new section to chapter 19.27 RCW; and creating a new section."

Senators O'Ban and Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 725 by Senators O'Ban and Darneille to House Bill No. 2929.

The motion by Senator O'Ban carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator O'Ban, the rules were suspended, House Bill No. 2929, as amended by the Senate, 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. 2929, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2929, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Llias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon, Takko and Warnick

Excused: Senator Carlyle

HOUSE BILL NO. 2929, 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 SUBSTITUTE HOUSE BILL NO. 2323,** by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kilduff, Walsh, Stanford, Kagi, Robinson, McBride, Bergquist, Jinkins and Pollet)

Creating the Washington achieving a better life experience program.

The measure was read the second time.

#### MOTION

On motion of Senator Becker, the rules were suspended, Engrossed Substitute House Bill No. 2323 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Cleveland 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. 2323.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2323 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Llias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon, Takko and Warnick

Excused: Senator Carlyle

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323,** 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

On motion of Senator Dansel, and without objection, Senator Erickson was excused.

#### MOTION

At 3:40 p.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of a meeting of the Committee on Rules.

The Senate was called to order at 3:43 p.m. by the President of the Senate, Lt. Governor Owen presiding.

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:

HOUSE BILL NO. 1022,  
 SUBSTITUTE HOUSE BILL NO. 1111,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1213,  
 HOUSE BILL NO. 1345,  
 ENGROSSED HOUSE BILL NO. 1409,  
 ENGROSSED HOUSE BILL NO. 1578,  
 ENGROSSED HOUSE BILL NO. 1752,  
 SUBSTITUTE HOUSE BILL NO. 1830,  
 FOURTH SUBSTITUTE HOUSE BILL NO. 1999,  
 HOUSE BILL NO. 2023,  
 HOUSE BILL NO. 2262,  
 HOUSE BILL NO. 2280,  
 HOUSE BILL NO. 2309,  
 HOUSE BILL NO. 2317,  
 HOUSE BILL NO. 2322,  
 HOUSE BILL NO. 2332,  
 SUBSTITUTE HOUSE BILL NO. 2357,  
 HOUSE BILL NO. 2360,  
 HOUSE BILL NO. 2371,  
 HOUSE BILL NO. 2384,  
 HOUSE BILL NO. 2398,  
 ENGROSSED HOUSE BILL NO. 2400,  
 HOUSE BILL NO. 2403,  
 SUBSTITUTE HOUSE BILL NO. 2405,  
 SUBSTITUTE HOUSE BILL NO. 2410,  
 SUBSTITUTE HOUSE BILL NO. 2413,  
 SUBSTITUTE HOUSE BILL NO. 2425,  
 HOUSE BILL NO. 2432,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2433,  
 SUBSTITUTE HOUSE BILL NO. 2443,  
 HOUSE BILL NO. 2444,  
 SUBSTITUTE HOUSE BILL NO. 2448,  
 HOUSE BILL NO. 2457,  
 HOUSE BILL NO. 2476,  
 SUBSTITUTE HOUSE BILL NO. 2498,  
 HOUSE BILL NO. 2516,  
 HOUSE BILL NO. 2520,  
 HOUSE BILL NO. 2521,  
 SUBSTITUTE HOUSE BILL NO. 2539,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540,  
 HOUSE BILL NO. 2557,  
 HOUSE BILL NO. 2565,  
 HOUSE BILL NO. 2587,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2591,  
 HOUSE BILL NO. 2597,  
 SUBSTITUTE HOUSE BILL NO. 2598,  
 HOUSE BILL NO. 2605,  
 HOUSE BILL NO. 2623,  
 HOUSE BILL NO. 2624,  
 HOUSE BILL NO. 2634,  
 HOUSE BILL NO. 2651,  
 HOUSE BILL NO. 2663,  
 SUBSTITUTE HOUSE BILL NO. 2678,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2726,  
 ENGROSSED HOUSE BILL NO. 2745,  
 SUBSTITUTE HOUSE BILL NO. 2765,  
 HOUSE BILL NO. 2768,  
 HOUSE BILL NO. 2772,  
 HOUSE BILL NO. 2773,  
 HOUSE BILL NO. 2781,  
 HOUSE BILL NO. 2800,

HOUSE BILL NO. 2807,  
 HOUSE BILL NO. 2815,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2852,  
 SUBSTITUTE HOUSE BILL NO. 2859,  
 SUBSTITUTE HOUSE BILL NO. 2875,  
 SUBSTITUTE HOUSE BILL NO. 2884,  
 HOUSE BILL NO. 2886,  
 SUBSTITUTE HOUSE BILL NO. 2900,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925.

#### 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:

HOUSE BILL NO. 1858,  
 HOUSE BILL NO. 2599.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2791, by House Committee on Public Safety (originally sponsored by Representatives Pettigrew, Goodman, Moscoso, Senn, Frame, Stanford, Santos and Walkinshaw)

Creating the Washington statewide reentry council.

The measure was read the second time.

#### MOTION

Senator O'Ban 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. The legislature finds that the cycle of recidivism warrants a closer examination of our criminal justice system, correctional systems, and community services in Washington. Over ninety-five percent of persons in prison will return to the community, and more than half of those persons will reoffend and be reincarcerated in today's system. This high rate of recidivism results in more crimes, more victims, more prisons, and more trauma within families and communities. We can do better for the people of Washington.

The legislature intends to establish the Washington statewide reentry council to develop collaborative and cooperative relationships between the criminal justice system, victims and their families, impacted individuals and their families, and service providers, with the purpose of improving public safety and outcomes for people reentering the community from incarceration.

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

(1) "Council" means the Washington statewide reentry council.

(2) "Department" means the department of commerce.

**NEW SECTION.** Sec. 3. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington statewide reentry council is created and located within the department for the purpose of promoting successful reentry of offenders after incarceration.

(2) Through the executive director that may be appointed by the council, the department shall administer the council by:

(a) Providing the council and its executive director use of the

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department's facilities; and

(b) Managing grants and other funds received, used, and disbursed by the council.

(3) The department may not designate additional full-time staff to the administration of the council beyond the executive director.

**NEW SECTION.** Sec. 4. (1) The council comprises fifteen members appointed by the governor.

(2) The governor must create a membership that includes:

(a)(i) Representatives of: The department of corrections; the juvenile rehabilitation administration; a statewide organization representing community and technical colleges; a statewide organization representing law enforcement interests; a statewide organization representing the interests of crime victims; a statewide organization representing prosecutors; a statewide organization representing public defenders; a statewide or local organization representing businesses and employers; housing providers; and faith-based organizations or communities;

(ii) At least two persons with experience reentering the community after incarceration; and

(iii) Two other community leaders.

(b) At least one position of the council must be reserved for an invited person with a background in tribal affairs, and such position has all of the same voting and other powers of other members.

(3) When making appointments, the governor shall consider:

(a) The racial and ethnic background of applicants in order for the membership to reflect the diversity of racial and ethnic backgrounds of all those who are incarcerated in the state;

(b) The gender of applicants in order for the membership to reflect the gender diversity of all those who are incarcerated in the state;

(c) The geographic location of all applicants in order for the membership to represent the different geographic regions of the state; and

(d) The experiences and background of all applicants relating to the incarcerated population.

**NEW SECTION.** Sec. 5. (1) The governor shall make initial appointments to the council. Initial appointments are for staggered terms from the date of appointment according to the following: Four members have four-year terms; four members have three year terms; and five members have two-year terms. The governor shall designate the appointees who will serve the staggered terms.

(2) Except for initial appointments under subsection (1) of this section, all appointments are for two years from the date of appointment. Any member may be reappointed for additional terms. Any member of the council may be removed by the governor for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless such notice and hearing is expressly waived in writing by the affected member. In the event of a vacancy due to death, resignation, or removal, or upon the expiration of a term, the governor shall appoint a successor for the remainder of the unexpired term according to the procedures in subsection (3) of this section. Vacancies must be filled within ninety days.

(3) The council shall create a selection committee to recruit, review, and recommend future members. Prior to thirty days before the expiration of a term or within sixty days of a vacancy due to death, resignation, or removal, the selection committee shall submit a recommendation of possible appointees. The governor shall consider the recommendations of the committee when making appointments.

(4) The council shall elect cochairs from among its membership. Cochairs are elected for two-year terms from the date of election. Any former or current cochair may be reelected

for an additional term.

**NEW SECTION.** Sec. 6. (1) In addition to other powers and duties prescribed in this chapter, the council is empowered to:

(a) Meet at such times and places as necessary;

(b) Advise the legislature and the governor on issues relating to reentry and reintegration of offenders;

(c) Review, study, and make policy and funding recommendations on issues directly and indirectly related to reentry and reintegration of offenders in Washington state, including, but not limited to: Correctional programming and other issues in state and local correctional facilities; housing; employment; education; treatment; and other issues contributing to recidivism;

(d) Apply for, receive, use, and leverage public and private grants as well as specifically appropriated funds to establish, manage, and promote initiatives and programs related to successful reentry and reintegration of offenders;

(e) Contract for services as it deems necessary in order to carry out initiatives and programs;

(f) Adopt policies and procedures to facilitate the orderly administration of initiatives and programs;

(g) Create committees and subcommittees of the council as is necessary for the council to conduct its business; and

(h) Create and consult with advisory groups comprising nonmembers. Advisory groups are not eligible for reimbursement under section 7 of this act.

(2) Subject to the availability of amounts appropriated for this specific purpose, the council may select an executive director to administer the business of the council.

(a) The council may delegate to the executive director by resolution all duties necessary to efficiently carry on the business of the council. Approval by a majority vote of the council is required for any decisions regarding employment of the executive director.

(b) The executive director may not be a member of the council while serving as executive director.

(c) Employment of the executive director terminates after a term of three years. At the end of a term, the council may consider hiring the executive director for an additional three-year term or an extension of a specified period less than three years. The council may fix the compensation of the executive director.

(d) Subject to the availability of amounts appropriated for this specific purpose, the executive director shall reside in and be funded by the department.

(3) In conducting its business, the council shall solicit input and participation from stakeholders interested in reducing recidivism, promoting public safety, and improving community conditions for people reentering the community from incarceration. The council shall consult: The two largest caucuses in the house of representatives; the two largest caucuses in the senate; the governor; local governments; educators; mental health and substance abuse providers; behavioral health organizations; managed care organizations; city and county jails; the department of corrections; specialty courts; persons with expertise in evidence-based and research-based reentry practices; and persons with criminal histories and their families.

(4) The council shall submit to the governor and appropriate committees of the legislature a preliminary report of its activities and recommendations by December 1st of its first year of operation, and every two years thereafter.

**NEW SECTION.** Sec. 7. The members of the council shall serve without compensation, but are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

**NEW SECTION.** Sec. 8. (1) Meetings of the council must be held in accordance with the open public meetings act, chapter

42.30 RCW, and at the call of the cochairs or when a majority of the council membership so requests. Members may participate in a meeting of the council by means of a conference telephone or similar communication equipment as described in RCW 23B.08.200.

(2) Seven members of the council constitute a quorum.

(3) Once operational, the council must convene on a regular schedule at least four times during each year.

**NEW SECTION.** Sec. 9. (1) The joint legislative audit and review committee shall conduct a performance audit of the council every six years.

(2) Each audit must include but not be limited to:

(a) A determination of the extent to which funds expended by the council or provided in biennial budget acts expressly for implementing the duties of the council have contributed toward reducing recidivism in Washington;

(b) A determination of the efficiency and effectiveness of the council, based upon the achievement of the objectives and benchmarks established by this chapter and any applicable biennial budget acts; and

(c) Any recommendations for changes to the council's performance and structure necessary to ensure or improve accountability.

(3) The council may use the audits as the basis for developing changes to its policies and programs.

**NEW SECTION.** Sec. 10. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall conduct a meta-analysis on the effectiveness of programs aimed at assisting offenders with reentering the community after incarceration. The study must include a review and update of the literature on reentry programs in Washington and across the country. The institute shall report on the types of programs demonstrated to be effective in reducing recidivism among the general offender population. The institute shall report results to the governor, appropriate committees of the legislature, and the Washington statewide reentry council no later than June 1, 2017.

(2) This section expires August 1, 2017.

Sec. 11. RCW 41.06.070 and 2011 1st sp.s. c 43 s 1010, 2011 1st sp.s. c 39 s 4, and 2011 1st sp.s. c 16 s 22 are each reenacted and amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) Officers and employees of the Washington state fruit commission;

(n) Officers and employees of the Washington apple commission;

(o) Officers and employees of the Washington state dairy products commission;

(p) Officers and employees of the Washington tree fruit research commission;

(q) Officers and employees of the Washington state beef commission;

(r) Officers and employees of the Washington grain commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(u) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(v) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(w) Staff employed by the department of commerce to administer energy policy functions;

(x) The manager of the energy facility site evaluation council;

(y) A maximum of ten staff employed by the department of commerce to administer innovation and policy functions, including the three principal policy assistants exempted under (v) of this subsection;

(z) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

(aa) Officers and employees of the consolidated technology services agency created in RCW 43.105.006 that perform the following functions or duties: Systems integration; data center engineering and management; network systems engineering and management; information technology contracting; information technology customer relations management; and network and

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systems security;

(bb) The executive director of the Washington statewide reentry council.

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the office of financial management stating the reasons for requesting such exemptions. The director shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, or is a senior expert in enterprise information technology infrastructure, engineering, or systems, the director shall grant the request. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (t) and (2) of this section, shall

be determined by the director. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

From July 1, 2011, through June 29, 2013, salaries for all positions exempt from classification under this chapter are subject to RCW 41.04.820.

From February 18, 2009, through June 30, 2013, a salary or wage increase shall not be granted to any position exempt from classification under this chapter, except that a salary or wage increase may be granted to employees pursuant to collective bargaining agreements negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW, and except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

- (a) The salary increase can be paid within existing resources;
- (b) The salary increase will not adversely impact the provision of client services; and
- (c) For any state agency of the executive branch, not including institutions of higher education, the salary increase is approved by the director of the office of financial management.

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position exempt from classification under this chapter shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

Any agency granting a salary increase from July 1, 2011, through June 30, 2013, to a position exempt from classification under this chapter shall submit a report to the fiscal committees of the legislature by July 31, 2012, and July 31, 2013, detailing the positions for which salary increases were granted during the preceding fiscal year, the size of the increases, and the reasons for giving the increases.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

From February 15, 2010, until June 30, 2013, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

From July 1, 2011, until June 30, 2013, no performance-based awards or incentives may be granted by the director or employers to employees pursuant to a performance management confirmation granted by the department of personnel under WAC 357-37-055.

**NEW SECTION.** Sec. 12. Sections 1 through 9 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "reenacting and amending RCW 41.06.070; adding a new chapter to Title 43 RCW; creating a new

section; and providing an expiration date."

#### MOTION

On motion of Senator Fain, further consideration of Second Substitute House Bill No. 2791 was deferred and the bill held its place on the second reading calendar.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2711, by House Committee on Health Care & Wellness (originally sponsored by Representatives McCabe, Walsh, Orwall, Cody, McBride, Calder, Kilduff, Wylie, Senn, Smith, Gregerson, Tarleton, Ormsby, Pollet and Goodman)

Increasing the availability of sexual assault nurse examiners.

The measure was read the second time.

#### MOTION

Senator Becker 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. A new section is added to chapter 43.280 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of crime victims advocacy shall study the availability of sexual assault nurse examiners throughout the state. The study must include:

(a) An identification of areas of the state that have an adequate number of sexual assault nurse examiners;

(b) An identification of areas of the state that have an inadequate number of sexual assault nurse examiners;

(c) A list of available resources for facilities in need of sexual assault nurse examiners or sexual assault nurse examiner training; and

(d) Strategies for increasing the availability of sexual assault nurse examiners in underserved areas.

(2) When identifying strategies for increasing the availability of sexual assault nurse examiners in underserved areas, the office of crime victims advocacy shall, at a minimum, consider:

(a) Remote training or consultation via electronic means;

(b) Mobile teams of sexual assault nurse examiners;

(c) Costs and reimbursement rates for sexual assault nurse examiners; and

(d) Funding options.

(3) When performing the study under this section, the office of crime victims advocacy shall consult with experts on sexual assault victims' advocacy, experts on sexual assault investigation, and providers including, but not limited to:

(a) The department of health;

(b) The Washington coalition of sexual assault programs;

(c) The Washington association of sheriffs and police chiefs;

(d) The Washington association of prosecuting attorneys;

(e) The Washington state hospital association;

(f) The Harborview center for sexual assault and traumatic stress;

(g) The nursing care quality assurance commission; and

(h) The Washington state nurses association.

(4) The office of crime victims advocacy shall report its findings and recommendations to the governor and the appropriate committees of the legislature no later than December 1, 2016.

(5) This section expires July 31, 2017."

On page 1, line 2 of the title, after "examiners;" strike the remainder of the title and insert "adding a new section to chapter 43.280 RCW; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2711.

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

#### MOTION

On motion of Senator Becker, the rules were suspended, Substitute House Bill No. 2711, 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 Becker and Cleveland spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Dansel, and without objection, Senator Fain was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2711, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2711, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jaypal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfs, Schoesler, Sheldon, Takko and Warnick

Excused: Senator Carlyle

SUBSTITUTE HOUSE BILL NO. 2711, 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

HOUSE JOINT MEMORIAL NO. 4010, by Representatives Dunshee, Santos, Stanford, Wylie, S. Hunt, Tharinger, Ortiz-Self, Fitzgibbon, Sells, Ryu, Walkinshaw, Kagi, Peterson, Hudgins, Robinson and Bergquist

Requesting that state route number 99 be named the "William P. Stewart Memorial Highway."

The measure was read the second time.

#### MOTION

Senator Hasegawa moved that the following committee amendment by the Committee on Transportation be adopted:

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Beginning on page 1, line 1, strike all of the joint memorial and insert the following:

"TO THE SECRETARY OF TRANSPORTATION, AND TO THE WASHINGTON STATE TRANSPORTATION COMMISSION, AND TO THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, Mr. William P. Stewart (12/9/1839 – 12/11/1907) of Snohomish served bravely during the Civil War after he volunteered for service in the 29th U.S. Colored Infantry Regiment; and

WHEREAS, That military unit suffered enormous losses during the war, with one out of three soldiers becoming casualties; and

WHEREAS, Stewart demonstrated tremendous courage and dedication to the cause of liberty by volunteering to serve as an African-American during the Civil War; and

WHEREAS, Stewart served honorably during the closing days of the war and during its aftermath in Texas, where Stewart and his unit were deployed in response to instability in Mexico due to French intervention; and

WHEREAS, Stewart was a farmer before he volunteered for combat and a respected pioneer of the town of Snohomish after the war, but he and his fellow soldiers received little recognition for their bravery and sacrifice; and

WHEREAS, Stewart married Elizabeth Thornton and became a highly respected pioneer in the city of Snohomish, where his house is still standing; and

WHEREAS, Stewart is buried in the Grand Army of the Republic cemetery in Snohomish along with two hundred other civil war veterans who founded the cemetery; and

WHEREAS, It is in the interest of the State of Washington to finally recognize its citizens who volunteered and served bravely in the defense of our union;

NOW, THEREFORE, Your Memorialists respectfully pray that the Washington State Transportation Commission commence proceedings to name State Route Number 99 the "William P. Stewart Memorial Highway."

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Secretary of Transportation, the Washington State Transportation Commission, and the Washington State Department of Transportation."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation to House Joint Memorial No. 4010.

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

#### MOTION

On motion of Senator Hasegawa, the rules were suspended, House Joint Memorial No. 4010, as amended by the Senate, was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Hasegawa, King and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4010, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4010, as amended by the Senate, and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Carlyle

HOUSE JOINT MEMORIAL NO. 4010, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the memorial was ordered to stand as the title of the act.

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

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

#### MOTION

At 4:01 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:31 p.m. by the President of the Senate, Lt. Governor Owen presiding.

The Senate resumed consideration of Second Substitute House Bill No. 2791 which had been deferred earlier in the day.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2791, by House Committee on Public Safety (originally sponsored by Representatives Pettigrew, Goodman, Moscoso, Senn, Frame, Stanford, Santos and Walkinshaw)

Creating the Washington statewide reentry council.

The measure was on the second reading calendar.

The Senate resumed consideration of the committee striking amendment by the Committee on Ways & Means which had been previously moved.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, the following amendment no. 731 by Senators Fain and Padden on page 2, line 8 to the committee striking amendment to Second Substitute House Bill No. 2791 was withdrawn:

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#### MOTION

Senator Padden moved that the following amendment no. 735

by Senator Padden on page 4, line 22 to the committee striking amendment be adopted:

On page 4, line 22 of the amendment, after "director" insert "must be confirmed by the senate and"

Senator Padden 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 amendment no. 735 by Senator Padden on page 4, line 22 to the committee striking amendment to Second Substitute House Bill No. 2791.

The motion by Senator Padden carried and the amendment was adopted by voice vote.

#### MOTION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means, as amended, to Second Substitute House Bill No. 2791.

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

#### MOTION

On motion of Senator O'Ban, the rules were suspended, Second Substitute House Bill No. 2791, 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 O'Ban and Darneille spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Habib, and without objection, Senator Ranker was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2791, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2791 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 3; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Brown, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Takko

Voting nay: Senator Dansel

Absent: Senators Braun, Dammeier and Warnick

Excused: Senator Carlyle

SECOND SUBSTITUTE HOUSE BILL NO. 2791, 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 SUBSTITUTE HOUSE BILL NO. 2906, by

House Committee on Early Learning & Human Services (originally sponsored by Representatives Stambaugh, Kagi, Magendanz, Tharinger, Ortiz-Self, Frame, Goodman and Ormsby)

Strengthening opportunities for the rehabilitation and reintegration of juvenile offenders.

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 13.40.010 and 2004 c 120 s 1 are each amended to read as follows:

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders and their victims, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

(a) Protect the citizenry from criminal behavior;

(b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;

(c) Make the juvenile offender accountable for his or her criminal behavior;

(d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;

(e) Provide due process for juveniles alleged to have committed an offense;

(f) Provide for the rehabilitation and reintegration of juvenile offenders;

(g) Provide necessary treatment, supervision, and custody for juvenile offenders;

((g))) (h) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;

((h))) (i) Provide for restitution to victims of crime;

((i))) (j) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels;

((j))) (k) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services;

((k))) (l) Provide opportunities for victim participation in juvenile justice process, including court hearings on juvenile offender matters, and ensure that Article I, section 35 of the Washington state Constitution, the victim bill of rights, is fully observed; and

((l))) (m) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process.

Sec. 2. RCW 13.40.020 and 2014 c 110 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance

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abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(6) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(7) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor

pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(9) "Department" means the department of social and health services;

(10) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(12) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(15) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(16) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(17) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(18) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

(19) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(20) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(21) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(22) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(23) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(24) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(25) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(26) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(27) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(28) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other

hospital-type restraints, tasers, or batons;

(29) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(30) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(31) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(32) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(33) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(34) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(35) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(36) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(37) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(38) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.127 and 2015 c 265 s 26 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

(a) Is charged with a sex or violent offense;

(b) Has a criminal history which includes any felony;

(c) Has a prior deferred disposition or deferred adjudication; or

(d) Has two or more adjudications.

(2) The juvenile court ((may)) shall, except as provided by subsection (3) of this section, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. ((The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.)) The court may waive the fourteen-day period anytime before the commencement of trial for good cause.

(3) If a juvenile offender is charged with animal cruelty in the first degree, the juvenile court may deny granting a deferred disposition to the juvenile, even if the juvenile otherwise may qualify for a deferred disposition. The judge shall consider whether the community will benefit from granting a deferred disposition to the juvenile offender.

(4) Any juvenile who agrees to a deferral of disposition shall:

(a) Stipulate to the admissibility of the facts contained in the written police report;

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(b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision;

(c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses; and

(d) Acknowledge the direct consequences of being found guilty and the direct consequences that will happen if an order of disposition is entered.

The adjudicatory hearing shall be limited to a reading of the court's record.

((4))) (5) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

((5))) (6) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

The court may require a juvenile offender convicted of animal cruelty in the first degree to submit to a mental health evaluation to determine if the offender would benefit from treatment and such intervention would promote the safety of the community. After consideration of the results of the evaluation, as a condition of community supervision, the court may order the offender to attend treatment to address issues pertinent to the offense.

The court may require the juvenile to undergo a mental health or substance abuse assessment, or both. If the assessment identifies a need for treatment, conditions of supervision may include treatment for the assessed need that has been demonstrated to improve behavioral health and reduce recidivism.

The court shall require a juvenile granted a deferral of disposition for unlawful possession of a firearm in violation of RCW 9.41.040 to participate in a qualifying program as described in RCW 13.40.193(2)(b), when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

((6))) (7) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

((7))) (8)(a) Anytime prior to the conclusion of the period of supervision, the prosecutor or the juvenile's juvenile court community supervision counselor may file a motion with the court requesting the court revoke the deferred disposition based on the juvenile's lack of compliance or treat the juvenile's lack of compliance as a violation pursuant to RCW 13.40.200.

(b) If the court finds the juvenile failed to comply with the terms of the deferred disposition, the court may:

(i) Revoke the deferred disposition and enter an order of disposition; or

(ii) Impose sanctions for the violation pursuant to RCW 13.40.200.

((8))) (9) At any time following deferral of disposition the court may, following a hearing, continue supervision for an additional one-year period for good cause.

((9))) (10)(a) At the conclusion of the period of supervision, the court shall determine whether the juvenile is entitled to dismissal of the deferred disposition only when the court finds:

- (i) The deferred disposition has not been previously revoked;
- (ii) The juvenile has completed the terms of supervision;
- (iii) There are no pending motions concerning lack of compliance pursuant to subsection (((7))) (8) of this section; and
- (iv) The juvenile has either paid the full amount of restitution, or, made a good faith effort to pay the full amount of restitution during the period of supervision.

(b) If the court finds the juvenile is entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the juvenile's conviction shall be vacated and the court shall dismiss the case with prejudice, except that a conviction under RCW 16.52.205 shall not be vacated. Whenever a case is dismissed with restitution still owing, the court shall enter a restitution order pursuant to RCW 7.80.130 for any unpaid restitution. Jurisdiction to enforce payment and modify terms of the restitution order shall be the same as those set forth in RCW 7.80.130.

(c) If the court finds the juvenile is not entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the court shall revoke the deferred disposition and enter an order of disposition. A deferred disposition shall remain a conviction unless the case is dismissed and the conviction is vacated pursuant to (b) of this subsection or sealed pursuant to RCW 13.50.260.

((10))) (11)(a)(i) Any time the court vacates a conviction pursuant to subsection (((9))) (10) of this section, if the juvenile is eighteen years of age or older and the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW has been paid, the court shall enter a written order sealing the case.

(ii) Any time the court vacates a conviction pursuant to subsection (((9))) (10) of this section, if the juvenile is not eighteen years of age or older and full restitution ordered has been paid, the court shall schedule an administrative sealing hearing to take place no later than thirty days after the respondent's eighteenth birthday, at which time the court shall enter a written order sealing the case. The respondent's presence at the administrative sealing hearing is not required.

(iii) Any deferred disposition vacated prior to June 7, 2012, is not subject to sealing under this subsection.

(b) Nothing in this subsection shall preclude a juvenile from petitioning the court to have the records of his or her deferred dispositions sealed under RCW 13.50.260.

(c) Records sealed under this provision shall have the same legal status as records sealed under RCW 13.50.260.

Sec. 4. RCW 13.40.308 and 2009 c 454 s 4 are each amended to read as follows:

(1) If a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than three months of community supervision, forty-five hours of community restitution, ((a two hundred dollar fine,)) and a requirement that the juvenile remain at home such that the juvenile is confined to a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available. If the juvenile is enrolled in school, the confinement shall be served on nonschool days;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes six months of community supervision, no less than ten days of detention, and ninety hours of community restitution((, and a four hundred dollar fine)); and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks commitment to the juvenile rehabilitation administration, four months of parole supervision, and ninety hours of community restitution((, and a four hundred dollar fine)).

(2) If a respondent is adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen vehicle as defined under RCW 9A.56.068, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than three months of community supervision((, forty-five hours of community restitution, a two hundred dollar fine,)) and either ninety hours of community restitution or a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available, or a combination thereof that includes a minimum of three days home confinement and a minimum of forty hours of community restitution;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than six months of community supervision, no less than ten days of detention, and ninety hours of community restitution((, and a four hundred dollar fine)); and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks commitment to the juvenile rehabilitation administration, four months of parole supervision, and ninety hours of community restitution((, and a four hundred dollar fine)).

(3) If a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes three months of community supervision, fifteen hours of community restitution, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than one day. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, three months of community supervision, thirty hours of community restitution, ((a one hundred fifty dollar fine,)) and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than two days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, six months of community supervision, forty-five hours of community restitution, ((a one hundred fifty dollar fine,)) and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available.

Sec. 5. RCW 10.99.030 and 1996 c 248 s 6 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement

of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by January 1, 1997, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission shall include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training shall be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum shall include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with the domestic violence laws. The program shall include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section shall be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

(5) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(6)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(7) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the

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following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a statewide twenty-four-hour toll-free hot line at (include appropriate phone number). The battered women's shelter and other resources in your area are ..... (include local information)"

(8) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(9) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation. Upon receiving the offense report, the prosecuting agency may, in its discretion, choose not to file the information as a domestic violence offense, if the offense was committed against a sibling, parent, stepparent, or grandparent.

(10) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(11) Records kept pursuant to subsections (6) and (10) of this section shall be made identifiable by means of a departmental code for domestic violence.

(12) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of statewide crime data with the Washington association of sheriffs and police chiefs:

(a) To include a table, in the annual report of crime in Washington produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other dangerous weapon, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other dangerous weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; (viii) arson; and (ix) violations of the provisions of a protection order or no-contact order restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, provided that specific appropriations are subsequently made for the collection and compilation of data regarding violations of protection orders or no-contact orders;

(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared

and contained in the annual report of crime in Washington; and

(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.

Sec. 6. RCW 13.40.265 and 2003 c 53 s 101 are each amended to read as follows:

((a)) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed with a firearm or an offense that is a violation of RCW 9.41.040(2)(a)((iii)) (iv) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense while armed with a firearm, first unlawful possession of a firearm offense, or first offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

((b)) (2) Except as otherwise provided in ((c) of this) subsection (3) of this section, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

((c)) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later.) (3) If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

((a)) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.)

Sec. 7. RCW 9.41.040 and 2014 c 111 s 1 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm.

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when

committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26, or 26.50 RCW that:

(A) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(B) Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and

(II) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury;

(iii) After having previously been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(iv) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

(v) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm

under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection (4) only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

(8) For purposes of this section, "intimate partner" includes: A spouse, a domestic partner, a former spouse, a former domestic partner, a person with whom the restrained person has a child in common, or a person with whom the restrained person has cohabitated or is cohabitating as part of a dating relationship.

Sec. 8. RCW 46.20.265 and 2005 c 288 s 2 are each amended to read as follows:

(1) In addition to any other authority to revoke driving

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privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal ordinance adopted by a local legislative authority, or from a diversion unit pursuant to RCW 13.40.265.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for two years or until the juvenile reaches eighteen years of age, whichever is longer.

(c) Each offense for which the department receives notice shall result in a separate period of revocation. All periods of revocation imposed under this section that could otherwise overlap shall run consecutively up to the juvenile's twenty-first birthday, and no period of revocation imposed under this section shall begin before the expiration of all other periods of revocation imposed under this section or other law. Periods of revocation imposed consecutively under this section shall not extend beyond the juvenile's twenty-first birthday.

(3)(a) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section if the minimum term of revocation as specified in RCW 13.40.265(((1)(c))) (3), 66.44.365(3), 69.41.065(3), 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and subject to subsection (2)(c) of this section.

(b) The juvenile may seek reinstatement of his or her driving privileges from the department when the juvenile reaches the age of twenty-one. A notice from the court reinstating the juvenile's driving privilege shall not be required if reinstatement is pursuant to this subsection.

((4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection, subject to subsection (2)(c) of this section.

(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.))

Sec. 9. RCW 66.44.365 and 1989 c 271 s 118 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of eighteen is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 69.41, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has

been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 10. RCW 69.41.065 and 1989 c 271 s 119 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 11. RCW 69.50.420 and 1989 c 271 s 120 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition

the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 12. RCW 69.52.070 and 1989 c 271 s 121 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, or 69.50 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered."

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 13.40.010, 13.40.020, 13.40.127, 13.40.308, 10.99.030, 13.40.265, 9.41.040, 46.20.265, 66.44.365, 69.41.065, 69.50.420, and 69.52.070."

#### MOTION

Senator O'Ban moved that the following amendment no. 732 by Senators O'Ban and Darneille to the committee striking amendment be adopted:

On page 8, beginning on line 16 of the amendment, after "court" strike all material through "section," on line 17 and insert "may."

On page 8, line 24 of the amendment, after "disposition.))" insert "In all cases where the juvenile is eligible for a deferred disposition, there shall be a strong presumption that the deferred disposition will be granted."

On page 8, beginning on line 26 of the amendment, after "(3)" strike all material through "(4)" on line 32

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

Senator O'Ban 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 amendment no. 732 by Senators O'Ban and Darneille to the committee striking amendment to Engrossed Substitute House Bill No. 2906.

The motion by Senator O'Ban carried and the amendment was adopted by voice vote.

#### MOTION

Senator O'Ban moved that the following amendment no. 733

by Senators O'Ban and Darneille to the committee striking amendment be adopted:

On page 12, line 20 of the amendment, after "days" insert ", or a combination thereof that includes a minimum of three days home confinement and a minimum of forty hours of community restitution"

On page 12, beginning on line 21 of the amendment, after "available" strike all material through "restitution" on line 23

Senator O'Ban 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 amendment no. 733 by Senators O'Ban and Darneille to the committee striking amendment to Engrossed Substitute House Bill No. 2906.

The motion by Senator O'Ban carried and the 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 Human Services, Mental Health & Housing, as amended, to Engrossed Substitute House Bill No. 2906.

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

#### MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Substitute House Bill No. 2906, as amended by the Senate, 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.

Senator Dansel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2906, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2906, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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

Voting nay: Senators Benton, Dansel, Erickson and Sheldon

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906, 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.

#### MOTION

On motion of Senator Fain, pursuant to Rule 18, Engrossed House Bill 2362, an act relating to recordings/law enforcement, etc., was made a special order of business to be considered at 4:56 p.m.

FIFTY FOURTH DAY, MARCH 4, 2016

2016 REGULAR SESSION

## SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545**, by House Committee on Health Care & Wellness (originally sponsored by Representatives Van De Wege, Taylor, DeBolt, Cody, Rodne, Kochmar, Stambaugh, Riccelli, Johnson, Jinkins, Kagi, Harris, Smith, Stokesbary, Caldier, Zeiger, Tharinger, Hickel, Fitzgibbon, Muri, Reykdal, Frame, Rossetti, S. Hunt, Hudgins, McBride, Ormsby, Appleton, Walkinshaw, Senn, Ryu, Gregerson, Sells, Harmsworth, Tarleton, Pollet, Bergquist, Stanford and Scott)

Reducing public health threats that particularly impact highly exposed populations, including children and firefighters, by establishing a process for the department of health to restrict the use of toxic flame retardant chemicals in certain types of consumer products.

The measure was read the second time.

## MOTION

Senator Erickson moved that the following committee striking amendment by the Committee on Ways & Means not be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Sec. 1. A new section is added to chapter 70.240 RCW to read as follows:

The definitions in this section apply throughout sections 1 through 3 of this act unless the context clearly requires otherwise.

(1) "Additive TBBPA" means the chemical tetrabromobisphenol A, chemical abstracts service number 79-94-7, as of the effective date of this section, in a form that has not undergone a reactive process and is not covalently bonded to a polymer in a product or product component.

(2)(a) "Children's product" includes any of the following:

- (i) Toys;
- (ii) Children's cosmetics;
- (iii) Children's jewelry;

(iv) A product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, or to be worn as clothing by children; or

(v) A portable infant or child safety seat designed to attach to an automobile seat.

(b) "Children's product" does not include the following:

- (i) Batteries;
- (ii) Slings and catapults;
- (iii) Sets of darts with metallic points;
- (iv) Toy steam engines;
- (v) Bicycles and tricycles;

(vi) Video toys that can be connected to a video screen and are operated at a nominal voltage exceeding twenty-four volts;

(vii) Chemistry sets;

(viii) Consumer and children's electronic products, including but not limited to personal computers, audio and video equipment, calculators, wireless phones, game consoles, and hand-held devices incorporating a video screen, used to access interactive software and their associated peripherals;

(ix) Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact discs;

(x) BB guns, pellet guns, and air rifles;

(xi) Snow sporting equipment, including skis, poles, boots,

snow boards, sleds, and bindings;

- (xii) Sporting equipment, including but not limited to bats, balls, gloves, sticks, pucks, and pads;
- (xiii) Roller skates;
- (xiv) Scooters;
- (xv) Model rockets;
- (xvi) Athletic shoes with cleats or spikes; and
- (xvii) Pocket knives and multitools.

(3) "Decabromodiphenyl ether" means the chemical decabromodiphenyl ether, chemical abstracts service number 1163-19-5, as of the effective date of this section.

(4) "HBCD" means the chemical hexabromocyclododecane, chemical abstracts service number 25637-99-4, as of the effective date of this section.

(5) "High priority chemical" means a chemical used as a flame retardant in amounts greater than one thousand parts per million in any product component of residential upholstered furniture, as defined in RCW 70.76.010, or children's products and that meets the criteria of a high priority chemical of high concern for children under RCW 70.240.030(1) as identified by a state agency, federal agency, or accredited research university, or other scientific evidence deemed authoritative by the department of health on the basis of credible scientific evidence as known to do one or more of the following:

(a) Harm the normal development of a fetus or child or cause other developmental toxicity;

(b) Cause cancer, genetic damage, or reproductive harm;

(c) Disrupt the endocrine system;

(d) Damage the nervous system, immune system, or organs or cause other systemic toxicity;

(e) Be persistent, bioaccumulative, and toxic; or

(f) Be very persistent and very bioaccumulative.

(6) "IPTPP" means the chemical isopropylated triphenyl phosphate, chemical abstracts service number 68937-41-7, as of the effective date of this section.

(7) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces residential upholstered furniture as defined in RCW 70.76.010 or children's product or an importer or domestic distributor of residential upholstered furniture as defined in RCW 70.76.010 or children's product. For the purposes of this subsection, "importer" means the owner of the residential upholstered furniture as defined in RCW 70.76.010 or children's product.

(8) "TBB" means the chemical (2-ethylhexyl)-2,3,4,5-tetrabromobenzoate, chemical abstracts service number 183658-27-7, as of the effective date of this section.

(9) "TBPH" means the chemical bis (2-ethylhexyl)-2,3,4,5-tetrabromophthalate, chemical abstracts service number 26040-51-7, as of the effective date of this section.

(10) "TCEP" means the chemical (tris(2-chloroethyl)phosphate); chemical abstracts service number 115-96-8, as of the effective date of this section.

(11) "TCPP" means the chemical tris (1-chloro-2-propyl) phosphate); chemical abstracts service number 13674-84-5, as of the effective date of this section.

(12) "TDCPP" means the chemical (tris(1,3-dichloro-2-propyl)phosphate); chemical abstracts service number 13674-87-8, as of the effective date of this section.

(13) "TPP" means the chemical triphenyl phosphate, chemical abstracts service number 115-86-6, as of the effective date of this section.

(14) "Toy" means a product designed or intended by the manufacturer to be used by a child at play.

(15) "Very bioaccumulative" means having a bioconcentration

factor or bioaccumulation factor greater than or equal to five thousand, or if neither are available, having a log Kow greater than 5.0.

(16) "Very persistent" means having a half-life greater than or equal to one of the following:

(a) A half-life in soil or sediment of greater than one hundred eighty days; or

(b) A half-life greater than or equal to sixty days in water or evidence of long-range transport.

NEW SECTION. Sec. 2. A new section is added to chapter 70.240 RCW to read as follows:

Beginning July 1, 2017, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state children's products or residential upholstered furniture, as defined in RCW 70.76.010, containing any of the following flame retardants in amounts greater than one thousand parts per million in any product component:

- (1) TDCPP;
- (2) TCEP;
- (3) Decabromodiphenyl ether;
- (4) HBCD; or
- (5) Additive TBBPA.

NEW SECTION. Sec. 3. A new section is added to chapter 70.240 RCW to read as follows:

(1) By rule, the department shall consider whether to add the following flame retardants to the list of chemicals of high concern for children:

- (a) IPTPP;
- (b) TBB;
- (c) TBPH;
- (d) TCPP;
- (e) TPP.

(2) If after January 1, 2016, a flame retardant listed in subsection (1) of this section is identified as a chemical of high concern for children, the department of health, in consultation with the department, must create a stakeholder advisory committee for each flame retardant chemical within one year of the adoption of the rule that identifies the flame retardant chemical as a chemical of high concern for children. The stakeholder advisory committee is developed to provide stakeholder input, expertise, and additional information. All advisory committee meetings must be open to the public. The advisory committee membership must include, but not be limited to, representatives from: Large and small business sectors; community, environmental, and public health advocacy groups; local governments; affected and interested businesses; and public health agencies. State agencies and technical experts may be requested to participate. In addition, the department of health shall provide technical expertise on human health impacts including: Early childhood and fetal exposure, exposure reduction, and safer substitutes.

(3) The department must conduct their analysis consistent with credible scientific evidence and take into consideration information relating to the hazards of and the quantitative extent of exposures to the chemical under its intended or reasonably anticipated conditions of use.

(4) When developing policy recommendations consistent with subsection (5) of this section, the department of health, in consultation with the department, must include the following types of information, and evaluation:

- (a) Chemical name, properties, uses, and manufacturers;
- (b) An analysis of available information on the production, unintentional production, uses, and disposal of the chemical;
- (c) Quantitative estimates of the potential human and environmental exposures associated with the use and release of

the chemical;

(d) An assessment of the potential impacts on human health and the environment resulting from the quantitative exposure estimates referred to in (c) of this subsection;

(e) Recommendations for:

(i) Managing, reducing, and phasing out the different uses and releases of the chemical;

(ii) Minimizing exposure to the chemical;

(iii) Using safer substitutes; and

(iv) Encouraging the development of safer alternatives;

(f) Recommendations on an evaluation of the following factors:

(i) Environmental and human health benefits;

(ii) Economic and social impacts;

(iii) Feasibility;

(iv) Availability and effectiveness of safer substitutes for uses of the chemical; and

(v) Consistency with existing federal and state regulatory requirements.

(5) The department of health must include recommendations on policy options for reducing exposure, designating and developing safer substitutes, and restricting or prohibiting the use of the chemicals in consumer products. If the department of health, in consultation with the department, determines that a chemical should be restricted or prohibited from use in children's products, residential upholstered furniture as defined in RCW 70.76.010, or other commercial products or processes, the department of health, in consultation with the department, must submit a recommendation to the appropriate policy committees of the legislature. In conjunction with its recommendation to the legislature, the department of health, in consultation with the department, must cite the peer-reviewed science and other sources of information that the department reviewed and ultimately relied upon in support of the recommendation to restrict or prohibit the chemical.

Sec. 4. RCW 70.240.050 and 2008 c 288 s 7 are each amended to read as follows:

(1) A manufacturer of products that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter shall recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of ((children's)) products in violation of this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

(5) The sale or purchase of any previously owned products containing a chemical restricted under this chapter made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter."

On page 1, line 5 of the title, after "products;" strike the remainder of the title and insert "amending RCW 70.240.050; and adding new sections to chapter 70.240 RCW."

The President declared the question before the Senate to be the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2545 be not adopted.

FIFTY FOURTH DAY, MARCH 4, 2016

The motion by Senator Ericksen carried and the committee striking amendment was not adopted by voice vote.

### MOTION

Senator Ericksen moved that the following committee striking amendment by the Committee on Health Care not be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Additive TBBPA" means the chemical tetrabromobisphenol A, chemical abstracts service number 79-94-7, as of the effective date of this section, in a form that has not undergone a reactive process and is not covalently bonded to a polymer in a product or product component.

(2) "Children's product" has the same meaning as defined in RCW 70.240.010. For the purposes of this chapter, children's product does not include an inaccessible electronic component part located inside a children's electronic product and not capable of being touched or mouthed, whether or not such part is visible to a user of the product.

(3) "Decabromodiphenyl ether" means the chemical decabromodiphenyl ether, chemical abstracts service number 1163-19-5, as of the effective date of this section.

(4) "HBCD" means the chemical hexabromocyclododecane, chemical abstracts service number 25637-99-4, as of the effective date of this section.

(5) "High priority chemical" has the same meaning as defined in RCW 70.240.010, but only includes chemicals that are: (a) Used as flame retardants; and (b) in any product component of a children's product or residential upholstered furniture, as defined in RCW 70.76.010.

(6) "IPTPP" means the chemical isopropylated triphenyl phosphate, chemical abstracts service number 68937-41-7, as of the effective date of this section.

(7) "Manufacturer" has the same meaning as defined in RCW 70.240.010 and also includes a manufacturer of residential upholstered furniture, as defined in RCW 70.76.010.

(8) "TBB" means the chemical (2-ethylhexyl)-2,3,4,5-tetrabromobenzoate, chemical abstracts service number 183658-27-7, as of the effective date of this section.

(9) "TBPH" means the chemical bis (2-ethylhexyl)-2,3,4,5-tetrabromophthalate, chemical abstracts service number 26040-51-7, as of the effective date of this section.

(10) "TCEP" means the chemical (tris(2-chloroethyl)phosphate), chemical abstracts service number 115-96-8, as of the effective date of this section.

(11) "TCPP" means the chemical tris (1-chloro-2-propyl) phosphate, chemical abstracts service number 13674-84-5, as of the effective date of this section.

(12) "TDCPP" means the chemical (tris(1,3-dichloro-2-propyl)phosphate), chemical abstracts service number 13674-87-8, as of the effective date of this section.

(13) "TPP" means the chemical triphenyl phosphate, chemical abstracts service number 115-86-6, as of the effective date of this section.

(14) "V6" means the chemical bis(chloromethyl)propane-1,3-diyltetrakis (2-chloroethyl) bisphosphate, chemical abstracts service number 385051-10-4, as of the effective date of this section.

NEW SECTION. Sec. 2. Beginning July 1, 2017, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for

use in this state children's products or residential upholstered furniture, as defined in RCW 70.76.010, containing any of the following flame retardants in amounts greater than one thousand parts per million in any product component:

- (1) TDCPP;
- (2) TCEP;
- (3) Decabromodiphenyl ether;
- (4) HBCD; or
- (5) Additive TBBPA.

NEW SECTION. Sec. 3. (1) Consistent with the process and evaluative criteria adopted by the department of ecology by rule under chapter 70.240 RCW, the department of ecology, in consultation with the department of health, must make a determination regarding whether a flame retardant listed in (a) through (f) of this subsection meets the criteria of a high priority chemical of high concern for children:

- (a) IPTPP;
- (b) TBB;
- (c) TBPH;
- (d) TCPP;
- (e) TPP; and
- (f) V6.

(2) If a flame retardant listed in subsection (1)(a) through (f) meets the criteria of a high priority chemical of high concern for children, then the department of ecology, in consultation with the department of health, shall determine whether additional manufacturer data on use in children's products is needed in order to further evaluate the flame retardant. If additional manufacturer data is deemed necessary, the department of ecology may initiate rule making to add the flame retardant according to the process and criteria adopted in rule by the department of ecology under chapter 70.240 RCW.

(3) If the department of ecology, in consultation with the department of health, determines that a flame retardant chemical in subsection (1)(a) through (f) of this section meets the criteria of a chemical of high concern for children and there is available information on use of the flame retardant chemical in children's products, then the department of ecology shall submit a report to the legislature by December 1, 2016. The report to the legislature must contain:

(a) A determination by the department of health as to whether children or vulnerable populations are likely to be exposed to the chemical directly or indirectly from its use in products. The determination of the department of health must be made after an evaluation of available information on:

- (i) Chemical name, properties, manufacturers, and production volumes;
- (ii) Levels of the flame retardants in consumer products;
- (iii) Migration of the flame retardants out of products during and after use;
- (iv) Levels of the flame retardants in humans and the environment, including but not limited to the home environment; and

(v) Quantitative estimates of the potential human and environmental exposures;

(b) A review of available toxicity data to evaluate the health concerns for children or vulnerable populations;

(c) A determination of whether a safer alternative has been identified to meet applicable fire safety standards for residential furniture and children's products by evaluating existing chemical action plans and assessments of safer alternatives that have been completed for flame retardant chemicals; and

(d) Recommendations regarding whether the legislature should restrict the use of the flame retardants listed in subsection (1)(a) through (f) of this section in children's products or

residential upholstered furniture, as defined in RCW 70.76.010, or both. This recommendation must address:

(i) Allowable levels of any restricted flame retardant chemicals in a product, which may not be less than one thousand parts per million; and

(ii) The date when any restrictions should take effect.

(4) The departments of health and ecology must identify the sources of information they reviewed and ultimately relied upon in making the determinations required in subsection (2) of this section, including peer-reviewed science.

(5) The department of ecology, in consultation with the department of health, must create an external advisory committee to provide early stakeholder input, expertise, and additional information for the report to the legislature required under subsection (2) of this section and any rule making carried out under section 4 of this act. All advisory meetings must be open to the public. The advisory committee membership must include, but not be limited to, representatives from: Large and small business sectors; community, environmental, and public health advocacy groups; local governments; affected and interested businesses; groups representing firefighters; and public health agencies. State agencies and technical experts may be requested to participate.

(6) If the department of ecology, in consultation with the department of health, submits a report under subsection (2) of this section to the legislature recommending restricting a flame retardant chemical listed in subsection (1)(a) through (f) of this section, the rule-making process under section 4 of this act may not commence prior to the end of the 2017 regular legislative session.

**NEW SECTION.** Sec. 4. (1) Before December 1st of any year until December 1, 2021, the secretary of the department of health may propose a rule to restrict flame retardants consistent with the department of ecology's recommendations under section 3(2) of this act to restrict a flame retardant. This rule may not be finalized and adopted before the end of the regular legislative session in the year following the rule proposal under this section and may not be finalized and adopted if the legislature takes action during that following regular legislative session to implement restrictions on flame retardants listed in section 3(1) (a) through (f) of this act consistent with the department of ecology's recommendations under section 3(2) of this act.

(2) A violation of rules adopted pursuant to this chapter is subject to the penalties provided in RCW 70.240.050.

(3) The department of health may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(4) This section expires July 1, 2022.

**Sec. 5.** RCW 70.240.050 and 2008 c 288 s 7 are each amended to read as follows:

(1) A manufacturer of products that are restricted under this chapter or chapter 70--- RCW (the new chapter created in section 6 of this act) must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter or chapter 70--- RCW (the new chapter created in section 6 of this act) shall recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of ((children's)) products in violation of this chapter or chapter 70--- RCW (the new chapter created in section 6 of this act) is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense.

Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter or chapter 70--- RCW (the new chapter created in section 6 of this act) are not liable under this chapter.

(5) The sale or purchase of any previously owned products containing a chemical restricted under this chapter or chapter 70--- RCW (the new chapter created in section 6 of this act) made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter and chapter 70--- RCW (the new chapter created in section 6 of this act).

**NEW SECTION.** Sec. 6. Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 5 of the title, after "products;" strike the remainder of the title and insert ";" amending RCW 70.240.050; adding a new chapter to Title 70 RCW; and providing an expiration date."

The President declared the question before the Senate to be the committee striking amendment by the Committee on Health Care to Engrossed Substitute House Bill No. 2545 be not adopted.

The motion by Senator Ericksen carried and the committee striking amendment was not adopted by voice vote.

## MOTION

Senator Ericksen moved that the following striking amendment no. 730 by Senators Ericksen and Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.240.010 and 2008 c 288 s 2 are each amended to read as follows:

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

(1) "Children's cosmetics" means cosmetics that are made for, marketed for use by, or marketed to children under the age of twelve. "Children's cosmetics" includes cosmetics that meet any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children; or

(c) Sold in any of the following:

(i) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(ii) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(2) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children under the age of twelve. "Children's jewelry" includes jewelry that meets any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children under the age of twelve;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;

(c) Sized for children and not intended for use by adults; or

(d) Sold in any of the following:

(i) A vending machine;

(ii) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

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(iii) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(3)(a) "Children's product" includes any of the following:

- (i) Toys;
- (ii) Children's cosmetics;
- (iii) Children's jewelry;

(iv) A product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, or to be worn as clothing by children; or

(v) ((Child car seats)) Portable infant or child safety seat designed to attach to an automobile seat.

(b) "Children's product" does not include the following:

- (i) Batteries;
- (ii) Slings and catapults;
- (iii) Sets of darts with metallic points;
- (iv) Toy steam engines;
- (v) Bicycles and tricycles;

(vi) Video toys that can be connected to a video screen and are operated at a nominal voltage exceeding twenty-four volts;

(vii) Chemistry sets;

(viii) Consumer and children's electronic products, including but not limited to personal computers, audio and video equipment, calculators, wireless phones, game consoles, and hand-held devices incorporating a video screen, used to access interactive software and their associated peripherals;

(ix) Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact disks;

(x) BB guns, pellet guns, and air rifles;

(xi) Snow sporting equipment, including skis, poles, boots, snow boards, sleds, and bindings;

(xii) Sporting equipment, including, but not limited to bats, balls, gloves, sticks, pucks, and pads;

(xiii) Roller skates;

(xiv) Scooters;

(xv) Model rockets;

(xvi) Athletic shoes with cleats or spikes; and

(xvii) Pocket knives and multitools.

(4) "Cosmetics" includes articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and articles intended for use as a component of such an article. "Cosmetics" does not include soap, dietary supplements, or food and drugs approved by the United States food and drug administration.

(5) "Department" means the department of ecology.

(6) "High priority chemical" means a chemical identified by a state agency, federal agency, or accredited research university, or other scientific evidence deemed authoritative by the department on the basis of credible scientific evidence as known to do one or more of the following:

(a) Harm the normal development of a fetus or child or cause other developmental toxicity;

(b) Cause cancer, genetic damage, or reproductive harm;

(c) Disrupt the endocrine system;

(d) Damage the nervous system, immune system, or organs or cause other systemic toxicity;

(e) Be persistent, bioaccumulative, and toxic; or

(f) Be very persistent and very bioaccumulative.

(7) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or

joint venture that produces ((a)) residential upholstered furniture as defined in RCW 70.76.010 or children's product or an importer or domestic distributor of ((a)) residential upholstered furniture as defined in RCW 70.76.010 or children's product. For the purposes of this subsection, "importer" means the owner of the residential upholstered furniture as defined in RCW 70.76.010 or children's product.

(8) "Phthalates" means di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

(9) "Toy" means a product designed or intended by the manufacturer to be used by a child at play.

(10) "Trade association" means a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit.

(11) "Very bioaccumulative" means having a bioconcentration factor or bioaccumulation factor greater than or equal to five thousand, or if neither are available, having a log Kow greater than 5.0.

(12) "Very persistent" means having a half-life greater than or equal to one of the following:

(a) A half-life in soil or sediment of greater than one hundred eighty days;

(b) A half-life greater than or equal to sixty days in water or evidence of long-range transport.

(13) "Additive TBBPA" means the chemical tetrabromobisphenol A, chemical abstracts service number 79-94-7, as of the effective date of this section, in a form that has not undergone a reactive process and is not covalently bonded to a polymer in a product or product component.

(14) "Decabromodiphenyl ether" means the chemical decabromodiphenyl ether, chemical abstracts service number 1163-19-5, as of the effective date of this section.

(15) "HBCD" means the chemical hexabromocyclododecane, chemical abstracts service number 25637-99-4, as of the effective date of this section.

(16) "IPTPP" means the chemical isopropylated triphenyl phosphate, chemical abstracts service number 68937-41-7, as of the effective date of this section.

(17) "TBB" means the chemical (2-ethylhexyl)-2,3,4,5-tetrabromobenzoate, chemical abstracts service number 183658-27-7, as of the effective date of this section.

(18) "TBPH" means the chemical bis (2-ethylhexyl)-2,3,4,5-tetrabromophthalate, chemical abstracts service number 26040-51-7, as of the effective date of this section.

(19) "TCEP" means the chemical (tris(2-chloroethyl)phosphate); chemical abstracts service number 115-96-8, as of the effective date of this section.

(20) "TCPP" means the chemical tris (1-chloro-2-propyl) phosphate); chemical abstracts service number 13674-84-5, as of the effective date of this section.

(21) "TDCPP" means the chemical (tris(1,3-dichloro-2-propyl)phosphate); chemical abstracts service number 13674-87-8, as of the effective date of this section.

(22) "TPP" means the chemical triphenyl phosphate, chemical abstracts service number 115-86-6, as of the effective date of this section.

(23) "V6" means the chemical bis(chloromethyl) propane-1,3-diyltetraakis (2-chloroethyl) bisphosphate, chemical abstracts service number 385051-10-4, as of the effective date of this section.

NEW SECTION. Sec. 2. A new section is added to chapter

70.240 RCW to read as follows:

Beginning July 1, 2017, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state children's products or residential upholstered furniture, as defined in RCW 70.76.010, containing any of the following flame retardants in amounts greater than one thousand parts per million in any product component:

- (1) TDCPP;
- (2) TCEP;
- (3) Decabromodiphenyl ether;
- (4) HBCD; or
- (5) Additive TBBPA.

**NEW SECTION.** Sec. 3. A new section is added to chapter 70.240 RCW to read as follows:

(1) The department shall consider whether the following flame retardants meet the criteria of a chemical of high concern for children:

- (a) IPTPP;
- (b) TBB;
- (c) TBPH;
- (d) TCPP;
- (e) TPP;
- (f) V6.

(2)(a) Within one year of the department adopting a rule that identifies a flame retardant in subsection (1) of this section as a chemical of high concern for children, the department of health, in consultation with the department, must create a stakeholder advisory committee for each flame retardant chemical to provide stakeholder input, expertise, and additional information in the development of recommendations as provided under subsection (4) of this section. All advisory committee meetings must be open to the public.

(b) The advisory committee membership must include, but is not limited to, representatives from: Large and small business sectors; community, environmental, and public health advocacy groups; local governments; affected and interested businesses; and public health agencies.

(c) The department may request state agencies and technical experts to participate. The department of health shall provide technical expertise on human health impacts including: Early childhood and fetal exposure, exposure reduction, and safer substitutes.

(3) When developing policy options and recommendations consistent with subsection (4) of this section, the department must rely on credible scientific evidence and consider information relevant to the hazards based on the quantitative extent of exposures to the chemical under its intended or reasonably anticipated conditions of use. The department of health, in consultation with the department, must include the following:

- (a) Chemical name, properties, uses, and manufacturers;
- (b) An analysis of available information on the production, unintentional production, uses, and disposal of the chemical;
- (c) Quantitative estimates of the potential human and environmental exposures associated with the use and release of the chemical;
- (d) An assessment of the potential impacts on human health and the environment resulting from the quantitative exposure estimates referred to in (c) of this subsection;
- (e) An evaluation of:
  - (i) Environmental and human health benefits;
  - (ii) Economic and social impacts;
  - (iii) Feasibility;
  - (iv) Availability and effectiveness of safer substitutes for uses of the chemical;
  - (v) Consistency with existing federal and state regulatory

requirements; and

- (f) Recommendations for:
  - (i) Managing, reducing, and phasing out the different uses and releases of the chemical;
  - (ii) Minimizing exposure to the chemical;
  - (iii) Using safer substitutes; and
  - (iv) Encouraging the development of safer alternatives.

(4)(a) The department of health must submit to the legislature recommendations on policy options for reducing exposure, designating and developing safer substitutes, and restricting or prohibiting the use of the flame retardant chemicals identified in subsection (1) of this section as a chemical of high concern for children.

(b) When the department of health, in consultation with the department, determines that flame retardant chemicals identified in subsection (1) of this section as a chemical of high concern for children should be restricted or prohibited from use in children's products, residential upholstered furniture as defined in RCW 70.76.010, or other commercial products or processes, the department of health must include citations of the peer-reviewed science and other sources of information reviewed and ultimately relied upon in support of the recommendation to restrict or prohibit the chemical.

Sec. 4. RCW 70.240.050 and 2008 c 288 s 7 are each amended to read as follows:

(1) A manufacturer of products that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter shall recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of ((children's)) products in violation of this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

(5) The sale or purchase of any previously owned products containing a chemical restricted under this chapter made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter."

On page 1, line 5 of the title, after "products;" strike the remainder of the title and insert "amending RCW 70.240.010 and 70.240.050; and adding new sections to chapter 70.240 RCW."

Senator Erickson spoke in favor of adoption of the striking amendment no. 730.

The President declared the question before the Senate to be the adoption of the striking amendment no. 730 by Senators Erickson and Parlette to Engrossed Substitute House Bill No. 2545.

The motion by Senator Erickson carried and the striking amendment no. 730 was adopted by voice vote.

#### MOTION

On motion of Senator Erickson, the rules were suspended, Engrossed Substitute House Bill No. 2545, 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 Erickson and Cleveland spoke in favor of passage of

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the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2545, as amended by the Senate.

### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2545, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545, 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

FOURTH SUBSTITUTE HOUSE BILL NO. 1541, by House Committee on Education (originally sponsored by Representatives Santos, Ortiz-Self, Tharinger, Moscoso, Orwall and Gregerson)

Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee.

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. (1) The legislature has already established that it is a goal of the state to provide for a public school system that gives all students the opportunity to achieve personal and academic success. This goal contains within it a promise of excellence and opportunity for all students, not just some students. In 2012, in McCleary v. State of Washington, the Washington supreme court reaffirmed the positive constitutional right of every student by noting, "No child is excluded." In establishing the educational opportunity gap oversight and accountability committee in 2009, the legislature recognized that additional work was needed to fulfill the promise of excellence and opportunity for students of certain demographic groups, including English language learners.

(2) In its 2015 report to the legislature, the educational opportunity gap oversight and accountability committee made the following recommendations in keeping with its statutory purpose, which is to recommend specific policies and strategies to close the educational opportunity gap:

(a) Reduce the length of time students of color are excluded

from school due to suspension and expulsion and provide students support for reengagement plans;

(b) Enhance the cultural competence of current and future educators and classified staff;

(c) Endorse all educators in English language learner and second language acquisition;

(d) Account for the transitional bilingual instruction program instructional services provided to English language learner students;

(e) Analyze the opportunity gap through deeper disaggregation of student demographic data;

(f) Invest in the recruitment, hiring, and retention of educators of color;

(g) Incorporate integrated student services and family engagement; and

(h) Strengthen student transitions at each stage of the education development pathway: Early learning to elementary, elementary to secondary, secondary to college and career.

(3) The legislature finds that these recommendations represent a holistic approach to making progress toward closing the opportunity gap. The recommendations are interdependent and mutually reinforcing. Closing the opportunity gap requires highly skilled, culturally competent, and diverse educators who understand the communities and cultures that students come from; it requires careful monitoring of not only the academic performance but also the educational environment for all students, at a fine grain of detail to assure adequate accountability; and it requires a robust program of instruction, including appropriately trained educators, to help English language learners gain language proficiency as well as academic proficiency.

(4) Therefore, the legislature intends to adopt policies and programs to implement the six recommendations of the educational opportunity gap oversight and accountability committee and fulfill its promise of excellence and opportunity for all students.

### PART I

#### DISPROPORTIONALITY IN STUDENT DISCIPLINE

Sec. 101. RCW 28A.600.490 and 2013 2nd sp.s. c 18 s 301 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district. The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.

(2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the state ethnic commissions, the governor's office of Indian affairs, the office of the education ((ombudsman F:\Journal\2016 Journal\Journal2016\LegDay054\ombuds.doc)) ombuds, school districts, tribal representatives, and other education and advocacy organizations.

(3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16

school year.

**NEW SECTION.** Sec. 102. A new section is added to chapter 28A.320 RCW to read as follows:

(1) School districts shall annually disseminate discipline policies and procedures to students, families, and the community.

(2) School districts shall use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures.

(3) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures.

**NEW SECTION.** Sec. 103. A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall create model school district discipline policies and procedures and post these models publicly by December 1, 2016. In developing these model policies and procedures, the association shall request technical assistance and guidance from the equity and civil rights office within the office of the superintendent of public instruction and the Washington state human rights commission. The model policies and procedures shall be updated as necessary.

(2) School districts shall adopt and enforce discipline policies and procedures consistent with the model policy by the beginning of the 2017-18 school year.

**NEW SECTION.** Sec. 104. A new section is added to chapter 28A.415 RCW to read as follows:

(1) The office of the superintendent of public instruction, subject to the availability of amounts appropriated for this specific purpose, shall develop a training program to support the implementation of discipline policies and procedures under chapter 28A.600 RCW.

(2) School districts are strongly encouraged to provide the trainings to all school and district staff interacting with students, including instructional staff and noninstructional staff, as well as within a reasonable time following any substantive change to school discipline policies or procedures.

(3) To the maximum extent feasible, the trainings must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds.

(4) The trainings must be developed in modules that allow:

(a) Access to material over a reasonable number of training sessions;

(b) Delivery in person or online; and

(c) Use in a self-directed manner.

**Sec. 105.** RCW 28A.600.015 and 2013 2nd sp.s. c 18 s 302 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

(3) Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

(4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.

(5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

(6) As used in this chapter, "discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and this section, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;

(b) An offense in RCW 13.04.155;

(c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or

(d) Behavior that adversely impacts the health or safety of other students or educational staff.

(7) Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection (6)(a) through (d) of this section and should first consider alternative actions.

(8) School districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

(9) Nothing in this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state.

**Sec. 106.** RCW 28A.600.020 and 2013 2nd sp.s. c 18 s 303 are each amended to read as follows:

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide

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that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5)(a) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(i) Engages in two or more violations within a three-year period of RCW 9A.46.120, ((28A.320.135,)) 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280((, or 28A.320.140)); or

(ii) Engages in one or more of the offenses listed in RCW 13.04.155.

(b) The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

(6) Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than ((one calendar year)) the length of an academic term, as defined by the school board, from the time of corrective action. Districts shall make reasonable efforts to assist students and parents in returning to an educational setting prior to and no later than the end date of the corrective action. Where warranted based on public health or safety, a school may petition the superintendent of the school district, pursuant to policies and procedures adopted by the office of the superintendent of public instruction, for authorization to exceed the ((one calendar year)) academic term limitation provided in this subsection. The superintendent of public instruction shall adopt rules outlining the limited circumstances in which a school may petition to exceed the ((one calendar year)) academic term limitation, including safeguards to ensure that the school district has made every effort to plan for the student's return to school. School districts shall report to the office of the superintendent of public instruction the number of petitions made to the school board and the number of petitions granted on an annual basis.

(7) Nothing in this section prevents a public school district, educational service district, the Washington state center for childhood deafness and hearing loss, or the state school for the blind if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

Sec. 107. RCW 28A.600.022 and 2013 2nd sp.s. c 18 s 308 are each amended to read as follows:

(1) School districts should make efforts to have suspended or

expelled students return to an educational setting as soon as possible. School districts ((should)) must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.

Sec. 108. RCW 43.41.400 and 2012 c 229 s 585 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the student achievement council, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

(c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

(d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that are necessary

to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;

(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(f) Track enrollment and outcomes through the public centralized higher education enrollment system;

(g) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs;

(h) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; ((and))

(i) Prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system, using data disaggregated by age, and by ethnic categories and racial subgroups in accordance with RCW 28A.300.042; and

(j) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and RCW 28A.655.210 and 28A.300.507 are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, student achievement council, public four-year institutions of higher education, department of social and health services and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. The education data center shall also develop data-sharing and research agreements with the administrative office of the courts to conduct research on educational and workforce outcomes using data maintained under RCW 13.50.010(12) related to juveniles. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

Sec. 109. RCW 13.50.010 and 2015 c 265 s 2 and 2015 c 262 s 1 are each reenacted and amended to read as follows:

(1) For purposes of this chapter:

(a) "Good faith effort to pay" means a juvenile offender has either (i) paid the principal amount in full; (ii) made at least eighty percent of the value of full monthly payments within the period

from disposition or deferred disposition until the time the amount of restitution owed is under review; or (iii) can show good cause why he or she paid an amount less than eighty percent of the value of full monthly payments;

(b) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(c) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(e) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including

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juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombuds.

(12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the ((Washington state center for court research)) administrative office of the courts for research purposes as authorized by the supreme court or by state statute. The ((Washington state center for court research)) administrative office of the courts shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. Data contained in the research copy may be shared with other governmental agencies as authorized by state statute, pursuant to data-sharing and research agreements, and consistent with applicable security and confidentiality requirements. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.270 and 13.50.100(3).

(13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

(14) The court shall release to the Washington state office of civil legal aid records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.53.045. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of civil legal aid. The Washington state office of civil legal aid shall maintain the confidentiality of all confidential information included in the records, and shall, as soon as possible, destroy any retained notes or records obtained under this section that are not necessary for its functions related to RCW 2.53.045.

## PART II

### EDUCATOR CULTURAL COMPETENCE

**NEW SECTION.** Sec. 201. A new section is added to chapter 28A.345 RCW to read as follows:

The Washington state school directors' association, in consultation with the office of the superintendent of public instruction, the professional educator standards board, the steering committee established in RCW 28A.405.100, and the

educational opportunity gap oversight and accountability committee, must develop a plan for the creation and delivery of cultural competency training for school board directors and superintendents. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270.

Sec. 202. RCW 28A.405.106 and 2012 c 35 s 5 are each amended to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

- (a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;
- (b) Orientation to and use of instructional frameworks;
- (c) Orientation to and use of the leadership frameworks;
- (d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;
- (e) Strategies for achieving maximum rater agreement;
- (f) Evaluator feedback protocols in the evaluation systems;
- (g) Examples of high quality teaching and leadership; and
- (h) Methods to link the evaluation process to ongoing educator professional development.

(3) The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270. The office of the superintendent of public instruction, in consultation with the professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must integrate the content for cultural competence into the overall training for principals, administrators, and teachers to support the revised evaluation systems.

(4) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

((4))) (5) The professional development program must be developed in modules that allow:

- (a) Access to material over a reasonable number of training sessions;
  - (b) Delivery in person or online; and
  - (c) Use in a self-directed manner.
- ((5))) (6) The office of the superintendent of public instruction

must maintain a web site that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

((6))) (7) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

((7))) (8) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

((8))) (9) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria.

Sec. 203. RCW 28A.405.120 and 2012 c 35 s 2 are each amended to read as follows:

(1) School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers or principals to have training in evaluation procedures.

(2) Before school district implementation of the revised evaluation systems required under RCW 28A.405.100, principals and administrators who have evaluation responsibilities must engage in professional development designed to implement the revised systems and maximize rater agreement. The professional development to support the revised evaluation systems must also include foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition.

NEW SECTION. Sec. 204. A new section is added to chapter 28A.415 RCW to read as follows:

(1) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction, in collaboration with the educational opportunity gap oversight and accountability committee, the professional educator standards board, colleges of education, and representatives from diverse communities and community-based organizations, must develop a content outline for professional development and training in cultural competence for school staff.

(2) The content of the cultural competence professional development and training must be aligned with the standards developed by the professional educator standards board under RCW 28A.410.270. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum.

(3) The cultural competence professional development and training must contain components that are appropriate for classified school staff and district administrators as well as certificated instructional staff and principals at the building level. The professional development and training must also contain components suitable for delivery by individuals from the local community or community-based organizations with appropriate

expertise.

(4) The legislature encourages educational service districts and school districts to use the cultural competence professional development and training developed under this section and provide opportunities for all school and school district staff to gain knowledge and skills in cultural competence, including in partnership with their local communities.

NEW SECTION. Sec. 205. A new section is added to chapter 28A.657 RCW to read as follows:

Required action districts as provided in RCW 28A.657.030, and districts with schools that receive the federal school improvement grant under the American recovery and reinvestment act of 2009, and districts with schools identified by the superintendent of public instruction as priority or focus are strongly encouraged to provide the cultural competence professional development and training developed under RCW 28A.405.106, 28A.405.120, and section 204 of this act for classified, certificated instructional, and administrative staff of the school. The professional development and training may be delivered by an educational service district, through district in-service, or by another qualified provider, including in partnership with the local community.

### PART III

#### INSTRUCTING ENGLISH LANGUAGE LEARNERS

Sec. 301. RCW 28A.180.040 and 2013 2nd sp.s. c 9 s 4 are each amended to read as follows:

(1) Every school district board of directors shall:

(a) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction;

(b) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program;

(c) Determine, by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases;

(d) Ensure that a student who is a child of a military family in transition and who has been assessed as in need of, or enrolled in, a bilingual instruction program, the receiving school shall initially honor placement of the student into a like program.

(i) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(ii) The receiving school may conduct subsequent assessments pursuant to RCW 28A.180.090 to determine appropriate placement and continued enrollment in the program;

(e) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction;

(f) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models; and

(g) Make available a program of instructional support for up to two years immediately after pupils exit from the program, for exited pupils who need assistance in reaching grade-level performance in academic subjects even though they have achieved English proficiency for purposes of the transitional bilingual instructional program.

(2) Beginning in the 2019-20 school year, all classroom teachers assigned using funds for the transitional bilingual instruction program to provide supplemental instruction for

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eligible pupils must hold an endorsement in bilingual education or English language learner, or both.

(3) The definitions in Article II of RCW 28A.705.010 apply to subsection (1)(d) of this section.

#### PART IV

##### ENGLISH LANGUAGE LEARNER ACCOUNTABILITY

Sec. 401. RCW 28A.180.090 and 2001 1st sp.s. c 6 s 2 are each amended to read as follows:

The superintendent of public instruction shall develop an evaluation system designed to measure increases in the English and academic proficiency of eligible pupils. When developing the system, the superintendent shall:

(1) Require school districts to assess potentially eligible pupils within ten days of registration using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(2) Require school districts to annually assess all eligible pupils at the end of the school year using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(3) Develop a system to evaluate increases in the English and academic proficiency of students who are, or were, eligible pupils. This evaluation shall include students when they are in the program and after they exit the program until they finish their K-12 career or transfer from the school district. The purpose of the evaluation system is to inform schools, school districts, parents, and the state of the effectiveness of the transitional bilingual programs in school and school districts in teaching these students English and other content areas, such as mathematics and writing; and

(4) ((Report to the education and fiscal committees of the legislature by November 1, 2002, regarding the development of the systems described in this section and a timeline for the full implementation of those systems. The legislature shall approve and provide funding for the evaluation system in subsection (3) of this section before any implementation of the system developed under subsection (3) of this section may occur.)) Subject to funds appropriated specifically for this purpose, provide school districts with technical assistance and support in selecting research-based program models, instructional materials, and professional development for program staff, including disseminating information about best practices and innovative programs. The information must include research about the differences between conversational language proficiency, academic language proficiency, and subject-specific language proficiency and the implications this research has on instructional practices and evaluation of program effectiveness.

**NEW SECTION.** Sec. 402. A new section is added to chapter 28A.657 RCW to read as follows:

At the beginning of each school year, the office of the superintendent of public instruction shall identify schools in the top five percent of schools with the highest percent growth during the previous two school years in enrollment of English language learner students as compared to previous enrollment trends. The office shall notify the identified schools, and the school districts in which the schools are located are strongly encouraged to provide the cultural competence professional development and training developed under RCW 28A.405.106, 28A.405.120, and section 204 of this act for classified, certificated instructional, and administrative staff of the schools. The professional development and training may be delivered by an educational service district,

through district in-service, or by another qualified provider, including in partnership with the local community.

#### PART V

##### DISAGGREGATED STUDENT DATA

Sec. 501. RCW 28A.300.042 and 2013 2nd sp.s. c 18 s 307 are each amended to read as follows:

(1) Beginning with the 2017-18 school year, and using the phase-in provided in subsection (2) of this section, the superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

(a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(b) Further disaggregation of countries of origin for Asian students;

(c) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(d) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom subracial and subethnic categories were not previously collected. School districts may resurvey other students.

(3) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

((2))) (4) All student data-related reports ((required of)) prepared by the superintendent of public instruction regarding student suspensions and expulsions as required ((in RCW 28A.300.046)) under this title are subject to disaggregation by subgroups including:

(a) Gender;

(b) Foster care;

(c) Homeless, if known;

(d) School district;

(e) School;

(f) Grade level;

(g) Behavior infraction code, including:

(i) Bullying;

(ii) Tobacco;

(iii) Alcohol;

(iv) Illicit drug;

(v) Fighting without major injury;

(vi) Violence without major injury;

(vii) Violence with major injury;

(viii) Possession of a weapon; and

(ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;

(h) Intervention applied, including:

(i) Short-term suspension;

(ii) Long-term suspension;

(iii) Emergency expulsion;

(iv) Expulsion;  
 (v) Interim alternative education settings;  
 (vi) No intervention applied; and  
 (vii) Other intervention applied that is not described in this subsection (((2))) (4)(h);

(i) Number of days a student is suspended or expelled, to be counted in half or full days; and  
 (j) Any other categories added at a future date by the data governance group.

(((3))) (5) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

- (a) School and district;
- (b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;
- (c) Behavior infraction code; and
- (d) Intervention applied.

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data on student race and ethnicity in other training or professional development related to data provided by the office.

**NEW SECTION.** Sec. 502. Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall convene a task force to review the United States department of education 2007 race and ethnicity reporting guidelines and develop race and ethnicity guidance for the state. The task force must include representatives from the educational opportunity gap oversight and accountability committee, the ethnic commissions, the governor's office of Indian affairs, and a diverse group of parents. The guidance must clarify for students and families why information about race and ethnicity is collected and how students and families can help school administrators properly identify them. The guidance must also describe the best practices for school administrators to use when identifying the race and ethnicity of students and families. The task force must use the United States census and the American community survey in the development of the guidance.

Sec. 503. RCW 28A.300.505 and 2015 c 210 s 2 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall develop standards for school data systems that focus on validation and verification of data entered into the systems to ensure accuracy and compatibility of data. The standards shall address but are not limited to the following topics:

- (a) Date validation;
- (b) Code validation, which includes gender, race or ethnicity, and other code elements;
- (c) Decimal and integer validation; and
- (d) Required field validation as defined by state and federal requirements.

(2) The superintendent of public instruction shall develop a reporting format and instructions for school districts to collect and submit data that must include:

(a) Data on student demographics that is disaggregated ((by distinct ethnic categories within racial subgroups so that analyses may be conducted on student achievement using the disaggregated data)) as required by RCW 28A.300.042; and

(b) Starting no later than the 2016-17 school year, data on students from military families. The K-12 data governance group established in RCW 28A.300.507 must develop best practice guidelines for the collection and regular updating of this data on students from military families. Collection and updating of this data must use the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

- (i) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;
- (ii) Further disaggregation of countries of origin for Asian students;
- (iii) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and
- (iv) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(3) For the purposes of this section, "students from military families" means the following categories of students, with data to be collected and submitted separately for each category:

- (a) Students with a parent or guardian who is a member of the active duty United States armed forces; and
- (b) Students with a parent or guardian who is a member of the reserves of the United States armed forces or a member of the Washington national guard.

**NEW SECTION.** Sec. 504. (1) To increase the visibility of the opportunity gap in schools with small subgroups of students and to hold schools accountable to individual student-level support, by August 1, 2016, the office of the superintendent of public instruction, in cooperation with the K-12 data governance group established within the office of the superintendent of public instruction, the education data center established within the office of financial management, and the state board of education, shall adopt a rule that the only student data that should not be reported for public reporting and accountability is data where the school or district has fewer than ten students in a grade level or student subgroup.

(2) This section expires August 1, 2017.

## PART VI

### RECRUITMENT AND RETENTION OF EDUCATORS

Sec. 601. RCW 28A.300.507 and 2009 c 548 s 203 are each amended to read as follows:

(1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data. It is the intent that the data system reporting specifically serve requirements for teachers, parents, superintendents, school boards, the office of the superintendent of public instruction, the legislature, and the public.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

- (a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;
- (b) Identify reports and other information that should be made available on the internet in addition to the reports identified in subsection (5) of this section;

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(c) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under RCW 28A.655.210;

(d) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of an education data system and programs currently used by school districts and the state, and specifically the gap analysis must look at the extent to which the existing data can be transformed into canonical form and where existing software can be used to meet the needs requirement document;

(e) Focus on financial and cost data necessary to support the new K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

(f) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. Strong consideration must be made to the current practice and cost of migration to new requirements. The operating rules should delineate the coordination, delegation, and escalation authority for data collection issues, business rules, and performance goals for each K-12 data collection system, including:

(i) Defining and maintaining standards for privacy and confidentiality;

(ii) Setting data collection priorities;

(iii) Defining and updating a standard data dictionary;

(iv) Ensuring data compliance with the data dictionary;

(v) Ensuring data accuracy; and

(vi) Establishing minimum standards for school, student, financial, and teacher data systems. Data elements may be specified "to the extent feasible" or "to the extent available" to collect more and better data sets from districts with more flexible software. Nothing in RCW 43.41.400, this section, or RCW 28A.655.210 should be construed to require that a data dictionary or reporting should be hobbled to the lowest common set. The work of the K-12 data governance group must specify which data are desirable. Districts that can meet these requirements shall report the desirable data. Funding from the legislature must establish which subset data are absolutely required.

(4)(a) The K-12 data governance group shall provide updates on its work as requested by the education data center and the legislative evaluation and accountability program committee.

(b) The work of the K-12 data governance group shall be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) To the extent data is available, the office of the superintendent of public instruction shall make the following minimum reports available on the internet. The reports must either be run on demand against current data, or, if a static report, must have been run against the most recent data:

(a) The percentage of data compliance and data accuracy by school district;

(b) The magnitude of spending per student, by student estimated by the following algorithm and reported as the detailed summation of the following components:

(i) An approximate, prorated fraction of each teacher or human resource element that directly serves the student. Each human resource element must be listed or accessible through online

tunneling in the report;

(ii) An approximate, prorated fraction of classroom or building costs used by the student;

(iii) An approximate, prorated fraction of transportation costs used by the student; and

(iv) An approximate, prorated fraction of all other resources within the district. District-wide components should be disaggregated to the extent that it is sensible and economical;

(c) The cost of K-12 basic education, per student, by student, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(d) The cost of K-12 special education services per student, by student receiving those services, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(e) Improvement on the statewide assessments computed as both a percentage change and absolute change on a scale score metric by district, by school, and by teacher that can also be filtered by a student's length of full-time enrollment within the school district;

(f) Number of K-12 students per classroom teacher on a per teacher basis;

(g) Number of K-12 classroom teachers per student on a per student basis;

(h) Percentage of a classroom teacher per student on a per student basis; ((and))

(i) Percentage of classroom teachers per school district and per school disaggregated as described in RCW 28A.300.042(1) for student-level data;

(j) Average length of service of classroom teachers per school district and per school disaggregated as described in RCW 28A.300.042(1) for student-level data; and

(k) The cost of K-12 education per student by school district sorted by federal, state, and local dollars.

(6) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

(7) All reports and data referenced in this section and RCW 43.41.400 and 28A.655.210 shall be made available in a manner consistent with the technical requirements of the legislative evaluation and accountability program committee and the education data center so that selected data can be provided to the legislature, governor, school districts, and the public.

(8) Reports shall contain data to the extent it is available. All reports must include documentation of which data are not available or are estimated. Reports must not be suppressed because of poor data accuracy or completeness. Reports may be accompanied with documentation to inform the reader of why some data are missing or inaccurate or estimated.

## PART VII TRANSITIONS

**NEW SECTION.** Sec. 701. A new section is added to chapter 43.215 RCW to read as follows:

The department, in collaboration with the office of the superintendent of public instruction, shall create a community information and involvement plan to inform home-based, tribal, and family early learning providers of the early achievers program under RCW 43.215.100.

## PART VIII

### INTEGRATED STUDENT SERVICES AND FAMILY ENGAGEMENT

**NEW SECTION.** Sec. 801. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

(i) Needs assessments: A needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.

(ii) Integration and coordination: The school and district leadership and staff must develop close relationships with providers of academic and nonacademic supports to enhance the effectiveness of the protocol.

(iii) Community partnerships: Community partners must be engaged to provide nonacademic supports to reduce barriers to students' academic success, including supports to students' families.

(iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

**NEW SECTION.** Sec. 802. (1) The legislature intends to integrate the delivery of various academic and nonacademic programs and services through a single protocol. This coordination and consolidation of assorted services, such as expanded learning opportunities, mental health, medical screening, and access to food and housing, is intended to reduce barriers to academic achievement and educational attainment by weaving together existing public and private resources needed to

support student success in school.

(2) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall create a work group to determine how to best implement the framework described in section 801 of this act throughout the state.

(3) The work group must be composed of the following members, who must reflect the geographic diversity across the state:

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

(b) Three principals and three superintendents representing districts with diverse characteristics, selected by state associations of principals and superintendents, respectively;

(c) A representative from a statewide organization specializing in out-of-school learning;

(d) A representative from an organization with expertise in the needs of homeless students;

(e) A school counselor from an elementary school, a middle school, and a high school, selected by a state association of school counselors;

(f) A representative of an organization that is an expert on a multiliters system of supports; and

(g) A representative from a career and technical student organization.

(4) The superintendent of public instruction shall consult and may contract for services with a national nonpartisan, nonprofit research center that has provided data and analyses to improve policies and programs serving children and youth for over thirty-five years.

(5) The work group must submit to the appropriate committees of the legislature a report recommending policies that need to be adopted or revised to implement the framework described in section 801 of this act throughout the state by October 1, 2017. The work group must submit a preliminary report by October 1, 2016, and a final report by October 1, 2017.

(6) This section expires August 1, 2018.

Sec. 803. RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each amended to read as follows:

(1) ((Beginning in the 2015-16 school year, expenditure of funds from the learning assistance program must be consistent with the provisions of RCW 28A.655.235.

(2))) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

(d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(e) Tutoring support for participating students;

(f) Outreach activities and support for parents of participating students, including employing parent and family engagement

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coordinators; and

(g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The ((office of the superintendent of public instruction)) school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended.

((3))) (2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

((4))) (3)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection ((3))) (2) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection ((3))) (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

((5))) (4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

Sec. 804. RCW 28A.300.130 and 2009 c 578 s 6 are each amended to read as follows:

(1) To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, ((to the extent funds are appropriated)) subject to the availability of amounts appropriated for this specific purpose, shall establish the center for the improvement of student learning. The center shall work in conjunction with parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, ((to the extent funds are appropriated for this purpose)) subject to the availability of amounts appropriated for this specific purpose, and in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support

educational improvement initiatives in Washington schools and districts;

(b) Provide best practices research that can be used to help schools develop and implement: Programs and practices to improve instruction; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the needs of students with disabilities; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(c) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

(d) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

(e) Provide training and consultation services, including conducting regional summer institutes;

(f) Identify strategies for improving the success rates of ethnic and racial student groups and students with disabilities, with disproportionate academic achievement;

(g) Work with parents, teachers, and school districts in establishing a model absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents including, but not limited to, ((electronic mail)) email, phone, and postal mail; and

(h) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for the improvement of student learning, how the services provided by the center for the improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system."

On page 1, line 3 of the title, after "committee;" strike the remainder of the title and insert "amending RCW 28A.600.490, 28A.600.015, 28A.600.020, 28A.600.022, 43.41.400, 28A.405.106, 28A.405.120, 28A.180.040, 28A.180.090, 28A.300.042, 28A.300.505, 28A.300.507, 28A.165.035, and

28A.300.130; reenacting and amending RCW 13.50.010; adding a new section to chapter 28A.320 RCW; adding new sections to chapter 28A.345 RCW; adding new sections to chapter 28A.415 RCW; adding new sections to chapter 28A.657 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; and providing expiration dates."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Fourth Substitute House Bill No. 1541.

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

#### MOTION

On motion of Senator Litzow, the rules were suspended, Fourth Substitute House Bill No. 1541, 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 McCoy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Fourth Substitute House Bill No. 1541, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Fourth Substitute House Bill No. 1541, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lilia, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Pedersen, Ranker, Rivers, Rolfs, Schoesler, Sheldon and Takko

Voting nay: Senators Angel, Bailey, Brown, Dansel, Erickson, Padden, Parlette, Pearson, Roach and Warnick

Excused: Senator Carlyle

**FOURTH SUBSTITUTE HOUSE BILL NO. 1541**, 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.

#### SPECIAL ORDER OF BUSINESS

Pursuant to Rule 18, the hour fixed for consideration of a special order of business having arrived, the President called the Senate to order and announced that Engrossed House Bill 2362 to be before the Senate and was immediately considered.

#### SECOND READING

**ENGROSSED HOUSE BILL NO. 2362**, by Representatives Hansen, Pettigrew, Nealey and Kirby

Concerning video and/or sound recordings made by law enforcement or corrections officers.

The measure was read the second time.

#### MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice not be adopted: Strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Sec. 1. The legislature finds that technological developments present opportunities for additional truth-finding, transparency, and accountability in interactions between law enforcement or corrections officers and the public. The legislature intends to promote transparency and accountability by permitting access to video and/or sound recordings of interactions with law enforcement or corrections officers, while preserving the public's reasonable expectation that the recordings of these interactions will not be publicly disclosed to enable voyeurism or exploitation.

Sec. 2. RCW 42.56.240 and 2015 c 224 s 3 and 2015 c 91 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

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a residence or business from accessing information regarding his or her residence or business;

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

(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;

(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; ((and))

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030; and

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of medical facility, counseling, or therapeutic program office where: (I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or (II) health care information is shared with patients, their families, or among the care team; or (B) information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image as defined in RCW 9A.86.010;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved

in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after the effective date of this section and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of the effective date of this section, regardless of whether or not body worn cameras are being

deployed in the jurisdiction on the effective date of this section, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

Sec. 3. RCW 42.56.080 and 2005 c 483 s 1 and 2005 c 274 s 285 are each reenacted and amended to read as follows:

Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(9) or 42.56.240(14), or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.

Sec. 4. RCW 42.56.120 and 2005 c 483 s 2 are each amended to read as follows:

No fee shall be charged for the inspection of public records((. No fee shall be charged for)) or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14). A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. Agency charges for photocopies shall be imposed in accordance with the actual per page cost or other costs established and published by the agency. In no event may an agency charge a per page cost greater than the actual per page cost as established and published by the agency. To the extent the agency has not determined the actual per page cost for photocopies of public records, the agency may not charge in excess of fifteen cents per page. An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request.

NEW SECTION. Sec. 5. (1) A law enforcement or corrections agency that deploys body worn cameras must establish policies regarding the use of the cameras. The policies must, at a minimum, address:

(a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer

has the discretion to activate and deactivate the body worn camera;

(b) How a law enforcement or corrections officer is to respond to circumstances when it would be reasonably anticipated that a person may be unwilling or less willing to communicate with an officer who is recording the communication with a body worn camera;

(c) How a law enforcement or corrections officer will document when and why a body worn camera was deactivated prior to the conclusion of an interaction with a member of the public while conducting official law enforcement or corrections business;

(d) How, and under what circumstances, a law enforcement or corrections officer is to inform a member of the public that he or she is being recorded, including in situations where the person is a non-English speaker or has limited English proficiency, or where the person is deaf or hard of hearing;

(e) How officers are to be trained on body worn camera usage and how frequently the training is to be reviewed or renewed; and

(f) Security rules to protect data collected and stored from body worn cameras.

(2) A law enforcement or corrections agency that deploys body worn cameras before the effective date of this section must establish the policies within one hundred twenty days of the effective date of this section. A law enforcement or corrections agency that deploys body worn cameras on or after the effective date of this section must establish the policies before deploying body worn cameras.

(3) This section expires July 1, 2019.

NEW SECTION. Sec. 6. Footage from a body worn camera recording may not be introduced as evidence in a criminal proceeding unless there is probable cause to believe that the footage is evidence of criminal activity constituting a felony offense or a violation of RCW 46.61.502 or 46.61.504, or where the footage is obtained in the course of executing a valid warrant or obtained under exigent circumstances. For the purposes of this section, "body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer while in the course of his or her official duties.

NEW SECTION. Sec. 7. (1) The legislature shall convene a task force with the following voting members to examine the use of body worn cameras by law enforcement and corrections agencies:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the governor's office;

(d) Two representatives from the Washington association of prosecuting attorneys;

(e) A representative from the Washington defender association;

(f) A representative of the Washington association of criminal defense lawyers;

(g) A representative from the American civil liberties union of Washington;

(h) A representative from the Washington association of sheriffs and police chiefs;

(i) Four chief local law enforcement officers, at least two of whom must be from local law enforcement agencies that have deployed body worn cameras, appointed jointly by the president of the senate and the speaker of the house of representatives;

(j) Three law enforcement officers, one representing the council of metropolitan police and sheriffs and two representing

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the Washington council of police and sheriffs;

(k) Two representatives of local governments responsible for oversight of law enforcement, appointed jointly by the president of the senate and the speaker of the house of representatives;

(l) A representative from the Washington coalition for open government;

(m) A representative of the news media, appointed jointly by the president of the senate and the speaker of the house of representatives;

(n) A representative of victims advocacy groups, appointed jointly by the president of the senate and the speaker of the house of representatives;

(o) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on African-American affairs;

(p) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Asian Pacific American affairs;

(q) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Hispanic affairs;

(r) One representative of immigrant or refugee communities, appointed jointly by the president of the senate and the speaker of the house of representatives;

(s) One person with expertise in the technology of retaining and redacting body worn camera recordings, appointed jointly by the president of the senate and the speaker of the house of representatives;

(t) Two representatives of the tribal communities with experience in interactions between law enforcement and the public, appointed jointly by the president of the senate and the speaker of the house of representatives; and

(u) A public member, appointed jointly by the president of the senate and the speaker of the house of representatives.

(2) The task force shall choose two cochairs from among its legislative members.

(3) The task force may request such information, recordings, and other records from agencies as the task force deems appropriate for it to effectuate this section. A participating agency must provide such information, recordings, or records upon request subject to exemptions under chapter 42.56 RCW or any applicable law.

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

(5) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer, governmental entity, or other organization, are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

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

(7) The task force shall hold public meetings in locations that include rural and urban communities and communities in the eastern and western parts of the state.

(8) The task force shall specifically consider and report on the use of body worn cameras in health care facilities subject to the health insurance portability and accountability act of 1996, P.L. 104-191, and the uniform health care information act, chapter 70.02 RCW. The task force shall consult with subject matter experts, including, but not limited to, the Washington state

hospital association and the Washington state medical association, and any findings or recommendations must be consistent with the obligations of health care facilities under both federal and state law.

(9) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2018. The report must include, but is not limited to, findings and recommendations regarding costs assessed to requesters, policies adopted by agencies, retention and retrieval of data, model policies regarding body worn cameras that at a minimum address the issues identified in section 5 of this act, and the use of body worn cameras for gathering evidence, surveillance, and police accountability. The task force must allow a minority report to be included with the task force report if requested by a member of the task force.

(10) This section expires June 1, 2019.

**NEW SECTION.** Sec. 8. Section 5 of this act constitutes a new chapter in Title 10 RCW.

**NEW SECTION.** Sec. 9. Section 6 of this act constitutes a new chapter in Title 5 RCW."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 42.56.120; reenacting and amending RCW 42.56.240 and 42.56.080; adding a new chapter to Title 10 RCW; adding a new chapter to Title 5 RCW; creating new sections; and providing expiration dates."

The President declared the question before the Senate to be the committee striking amendment by the Committee on Law & Justice to Engrossed House Bill No. 2362 be not adopted.

The motion by Senator Padden carried and the committee striking amendment was not adopted by voice vote.

#### PERSONAL PRIVILEGE

Senator Jayapal: "I just want to remind the floor leader that it's entirely in his jurisdiction to decide which bill comes up when and he certainly could have brought this bill up before 5:00 o'clock in the evening. Thank you, Mr. President."

#### PERSONAL PRIVILEGE

Senator Baumgartner: "I just think anyone that speaks on this bill should have to come back tomorrow."

#### MOTION

On motion of Senator Habib, and without objection, Senator Mullet was excused.

#### MOTION

Senator Padden moved that the following striking amendment no. 713 by Senators Padden, Pedersen and Brown be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. The legislature finds that technological developments present opportunities for additional truth-finding, transparency, and accountability in interactions between law enforcement or corrections officers and the public. The legislature intends to promote transparency and accountability by permitting access to video and/or sound recordings of interactions with law enforcement or corrections officers, while preserving the public's reasonable expectation that the recordings of these interactions will not be publicly disclosed to enable voyeurism or exploitation.

Sec. 2. RCW 42.56.240 and 2015 c 224 s 3 and 2015 c 91 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;

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

(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;

(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; ((and))

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030; and

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image as defined in RCW 9A.86.010;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic

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affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after the effective date of this section and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of the effective date of this section, regardless of whether or not body worn cameras are being deployed in the jurisdiction on the effective date of this section, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body

worn camera recordings for at least sixty days and thereafter may destroy the records.

Sec. 3. RCW 42.56.080 and 2005 c 483 s 1 and 2005 c 274 s 285 are each reenacted and amended to read as follows:

Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(9) or 42.56.240(14), or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.

Sec. 4. RCW 42.56.120 and 2005 c 483 s 2 are each amended to read as follows:

No fee shall be charged for the inspection of public records(. No fee shall be charged for) or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14). A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. Agency charges for photocopies shall be imposed in accordance with the actual per page cost or other costs established and published by the agency. In no event may an agency charge a per page cost greater than the actual per page cost as established and published by the agency. To the extent the agency has not determined the actual per page cost for photocopies of public records, the agency may not charge in excess of fifteen cents per page. An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request.

NEW SECTION. Sec. 5. (1) A law enforcement or corrections agency that deploys body worn cameras must establish policies regarding the use of the cameras. The policies must, at a minimum, address:

(a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;

(b) How a law enforcement or corrections officer is to respond to circumstances when it would be reasonably anticipated that a person may be unwilling or less willing to communicate with an officer who is recording the communication with a body worn camera;

(c) How a law enforcement or corrections officer will document when and why a body worn camera was deactivated prior to the conclusion of an interaction with a member of the

public while conducting official law enforcement or corrections business;

(d) How, and under what circumstances, a law enforcement or corrections officer is to inform a member of the public that he or she is being recorded, including in situations where the person is a non-English speaker or has limited English proficiency, or where the person is deaf or hard of hearing;

(e) How officers are to be trained on body worn camera usage and how frequently the training is to be reviewed or renewed; and

(f) Security rules to protect data collected and stored from body worn cameras.

(2) A law enforcement or corrections agency that deploys body worn cameras before the effective date of this section must establish the policies within one hundred twenty days of the effective date of this section. A law enforcement or corrections agency that deploys body worn cameras on or after the effective date of this section must establish the policies before deploying body worn cameras.

(3) This section expires July 1, 2019.

**NEW SECTION.** Sec. 6. For a city or town that is not deploying body worn cameras on the effective date of this section, a legislative authority of a city or town is strongly encouraged to adopt an ordinance or resolution authorizing the use of body worn cameras prior to their use by law enforcement or a corrections agency. Any ordinance or resolution authorizing the use of body worn cameras should identify a community involvement process for providing input into the development of operational policies governing the use of body worn cameras.

**NEW SECTION.** Sec. 7. (1) The legislature shall convene a task force with the following voting members to examine the use of body worn cameras by law enforcement and corrections agencies:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the governor's office;

(d) Two representatives from the Washington association of prosecuting attorneys;

(e) A representative from the Washington defender association;

(f) A representative of the Washington association of criminal defense lawyers;

(g) A representative from the American civil liberties union of Washington;

(h) A representative from the Washington association of sheriffs and police chiefs;

(i) Four chief local law enforcement officers, at least two of whom must be from local law enforcement agencies that have deployed body worn cameras, appointed jointly by the president of the senate and the speaker of the house of representatives;

(j) Three law enforcement officers, one representing the council of metropolitan police and sheriffs and two representing the Washington council of police and sheriffs;

(k) Two representatives of local governments responsible for oversight of law enforcement, appointed jointly by the president of the senate and the speaker of the house of representatives;

(l) A representative from the Washington coalition for open government;

(m) A representative of the news media, appointed jointly by the president of the senate and the speaker of the house of representatives;

(n) A representative of victims advocacy groups, appointed jointly by the president of the senate and the speaker of the house of representatives;

(o) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on African-American affairs;

(p) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Asian Pacific American affairs;

(q) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Hispanic affairs;

(r) One representative of immigrant or refugee communities, appointed jointly by the president of the senate and the speaker of the house of representatives;

(s) One person with expertise in the technology of retaining and redacting body worn camera recordings, appointed jointly by the president of the senate and the speaker of the house of representatives;

(t) Two representatives of the tribal communities with experience in interactions between law enforcement and the public, appointed jointly by the president of the senate and the speaker of the house of representatives;

(u) A public member, appointed jointly by the president of the senate and the speaker of the house of representatives; and

(v) A representative of the Washington state fraternal order of police.

(2) The task force shall choose two cochairs from among its legislative members.

(3) The task force may request such information, recordings, and other records from agencies as the task force deems appropriate for it to effectuate this section. A participating agency must provide such information, recordings, or records upon request subject to exemptions under chapter 42.56 RCW or any applicable law.

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

(5) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer, governmental entity, or other organization, are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

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

(7) The task force shall hold public meetings in locations that include rural and urban communities and communities in the eastern and western parts of the state.

(8) The task force shall specifically consider and report on the use of body worn cameras in health care facilities subject to the health insurance portability and accountability act of 1996, P.L. 104-191, and the uniform health care information act, chapter 70.02 RCW. The task force shall consult with subject matter experts, including, but not limited to, the Washington state hospital association and the Washington state medical association, and any findings or recommendations must be consistent with the obligations of health care facilities under both federal and state law.

(9) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2017. The report must include, but is not limited to, findings and recommendations regarding costs assessed to requesters, policies adopted by agencies, retention and retrieval of data, model policies regarding body worn cameras that at a minimum address the issues identified in

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section 5 of this act, and the use of body worn cameras for gathering evidence, surveillance, and police accountability. The task force must allow a minority report to be included with the task force report if requested by a member of the task force.

(10) This section expires June 1, 2019.

**NEW SECTION.** Sec. 8. (1) For state and local agencies, a body worn camera may only be used by officers employed by a general authority Washington law enforcement agency as defined in RCW 10.93.020, any officer employed by the department of corrections, and personnel for jails as defined in RCW 70.48.020 and detention facilities as defined in RCW 13.40.020.

(2) This section expires July 1, 2019.

**NEW SECTION.** Sec. 9. Sections 5, 6, and 8 of this act constitute a new chapter in Title 10 RCW."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 42.56.120; reenacting and amending RCW 42.56.240 and 42.56.080; adding a new chapter to Title 10 RCW; creating new sections; and providing expiration dates."

#### MOTION

Senator Roach moved that the following amendment no. 736 by Senator Roach on page 3, beginning on line 12 of the striking amendment be adopted:

On page 3, beginning on line 12 of the amendment, after "recordings" strike all material through "subsection" on line 15

Beginning on page 3, at the beginning of line 17 of the amendment, strike all material through "(g)" on page 5, line 31 and insert "unless a victim or witness whose image or communication is contained in the recording requests the recording, law enforcement requests the recording, or under a court order.

(a)"

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

Senators Roach, Hargrove, Benton and Hasegawa spoke in favor of adoption of the amendment.

Senators Padden and Pedersen spoke against adoption of the amendment.

Senator Roach demanded a roll call.

The President declared that one-sixth of the members failed to join the demand and the demand was not sustained.

#### MOTION

Senator Roach demanded a division.

The President declared the question before the Senate to be the adoption of amendment no. 736 by Senator Roach to the striking amendment to Engrossed House Bill No. 2362.

The motion by Senator Roach did not carry and the amendment was not adopted on a rising vote.

#### MOTION

Senator Jayapal moved that the following amendment no. 716 by Senators Jayapal, Dansel and McCoy to the striking amendment be adopted:

On page 5, line 37 of the amendment, after "July 1," strike "2019" and insert "2018"

On page 8, line 16 of the amendment, after "July 1," strike "2019" and insert "2018"

On page 11, line 12 of the amendment, after "June 1," strike "2019" and insert "2018"

On page 11, line 19 of the amendment, after "July 1," strike "2019" and insert "2018"

Senators Jayapal and Roach spoke in favor of adoption of the amendment.

Senators Padden and Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 716 by Senators Jayapal, Dansel and McCoy to the striking amendment to Engrossed House Bill No. 2362.

The motion by Senator Jayapal did not carry and amendment no. 716 was not adopted by voice vote.

#### MOTION

Senator Jayapal moved that the following amendment no. 717 by Senators Jayapal, Dansel and McCoy to the striking amendment be adopted:

On page 7, beginning on line 29 of the amendment, after "camera" strike all material through "camera" on line 31 and insert "must be activated and deactivated. When a body worn camera is attached to an officer or an officer's uniform or otherwise provided to an officer for use in recording the officer's activities while on duty, it must be operated to continuously record. Exceptions may be set by the law enforcement or corrections agency to allow for deactivation when an officer is: (i) Using a public or private restroom, except when an officer's presence in such restroom is related to law enforcement activity; (ii) on a scheduled or routine break and not gaged in any law enforcement activity; or (iii) engaged in sensitive situations such as domestic violence incidents or confidential encounters with informants;"

Senators Jayapal and Hasegawa spoke in favor of adoption of the amendment.

Senators Padden and Pedersen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 717 by Senators Jayapal, Dansel and McCoy to the striking amendment to Engrossed House Bill No. 2362.

The motion by Senator Jayapal did not carry and amendment no. 717 was not adopted by voice vote.

#### MOTION

Senator Jayapal moved that the following amendment no. 718 by Senators Jayapal, Dansel, Frockt and McCoy to the striking amendment be adopted:

On page 8, after line 16, strike all of section 6, and insert the following:

"**NEW SECTION.** Sec. 6. For a city or town that is not deploying body worn cameras on the effective date of this section, a legislative authority of a city or town must adopt an ordinance or resolution authorizing the use of body worn cameras prior to their use by law enforcement or a corrections agency. Any ordinance or resolution authorizing the use of body worn cameras must identify a community involvement process for providing input into the development of operational policies governing the use of body worn cameras."

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

Senators Jayapal, Frockt, Hasegawa and Billig spoke in favor of adoption of the amendment to the striking amendment.

Senators Padden and Pedersen spoke against adoption of the amendment to the striking amendment.

#### MOTION

Senator Jayapal demanded a division.

The President declared the question before the Senate to be the adoption of amendment no. 718 by Senators Jayapal, Dansel, Frockt and McCoy to the striking amendment to Engrossed House Bill No. 2362.

The motion by Senator Jayapal did not carry and amendment no. 718 was not adopted on a rising vote.

#### MOTION

Senator Roach moved that the following amendment no. 737 by Senator Roach to the striking amendment be adopted:

On page 11, line 3 of the amendment, after "December 1," strike "2017" and insert "2016"

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

Senators Padden and Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 737 by Senator Roach to the striking amendment to Engrossed House Bill No. 2362.

The motion by Senator Roach did not carry and amendment no. 737 was not adopted by voice vote.

#### MOTION

Senator Jayapal moved that the following amendment no. 719 by Senators Jayapal, Dansel, Frockt and McCoy to the striking amendment be adopted:

On page 11, after line 21 of the amendment, insert the following:

"NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Jayapal spoke in favor of adoption of the amendment to the striking amendment.

Senator Pedersen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 719 by Senators Jayapal, Dansel, Frockt and McCoy to the striking amendment to Engrossed House Bill No. 2362.

The motion by Senator Jayapal did not carry and amendment no. 719 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment no. 713 by Senators Padden,

Pedersen and Brown to Engrossed House Bill No. 2362.

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

#### MOTION

On motion of Senator Padden, the rules were suspended, Engrossed House Bill No. 2362, 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 Padden, Pedersen, Frockt and Roach spoke in favor of passage of the bill.

Senator Jayapal spoke against passage of the bill.

#### MOTION

On motion of Senator Erickson, and without objection, Senator Baumgartner was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2362, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2362, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Conway, Dammeier, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hewitt, Hill, Hobbs, Honeyford, King, Lilia, Litzow, Miloscia, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfe, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Chase, Cleveland, Dansel, Hargrove, Hasegawa, Jayapal, Keiser, McAuliffe and McCoy

Excused: Senators Baumgartner, Carlyle and Mullet

ENGROSSED HOUSE BILL NO. 2362, 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.

#### PERSONAL PRIVILEGE

Senator McCoy: "In our rush to get bills done and get as many done I didn't have the opportunity to thank the entire body and the caucus and the committee staff on finally getting House Bill 1541 passed. We've worked a long time on it and we're just very grateful to get it done. I want to thank everybody. Thank you."

#### MOTION

At 6:14 p.m., on motion of Senator Fain, the Senate adjourned until 1:00 o'clock p.m., Monday, March 7, 2016.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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