

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, June 30, 2017

The Senate was called to order at 7:57 a.m. by the Acting President Pro Tempore of the Senate, Senator Short 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

June 29, 2017

SB 5968 Prime Sponsor, Senator Ericksen: Regarding the funding of oil spill prevention and oil spill response. Reported by Committee on Energy, Environment & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Brown; Honeyford and Short.

MINORITY recommendation: Do not pass. Signed by Senators Carlyle, Ranking Minority Member; Ranker and Wellman.

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

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendation of the Standing Committee was accepted and the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

June 26, 2017

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

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

JAY J. MANNING, reappointed June 20, 2017, for the term ending June 25, 2021, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9288.

June 26, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BETHANY S. RIVARD, reappointed June 20, 2017, for the term ending June 30, 2021, as Member of the Professional Educator Standards Board.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9289.

June 29, 2017

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES T. WILCOX JR, reappointed June 29, 2017, for the term ending June 25, 2021, as Member of the Puget Sound Partnership Leadership Council.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Energy, Environment & Telecommunications as Senate Gubernatorial Appointment No. 9290.

MOTION

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

MOTION

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

MESSAGES FROM THE HOUSE

June 29, 2017

MADAM PRESIDENT:

The House has passed:

SECOND ENGROSSED SECOND SUBSTITUTE

HOUSE BILL NO. 1661,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL

NO. 1777,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

June 29, 2017

MADAM PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1341,

HOUSE CONCURRENT RESOLUTION NO. 4400,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 29, 2017

MADAM PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1597,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 29, 2017

MADAM PRESIDENT:

The House has passed:

SENATE BILL NO. 5252,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5254,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 29, 2017

MADAM PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5303,

SUBSTITUTE SENATE BILL NO. 5901,

SENATE BILL NO. 5969,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5976 by Senators Rivers and Liias

AN ACT Relating to wages or hours of individual providers; amending RCW 74.39A.270; and declaring an emergency.

Placed on the 2nd reading calendar.

SB 5977 by Senator Rossi

AN ACT Relating to revenue.

Referred to Committee on Ways & Means.

HB 1406 by Representatives Barkis, Blake, Chandler, Fitzgibbon and Wilcox

AN ACT Relating to adjusting the surface mining funding structure; and amending RCW 78.44.085.

Held at the Desk.

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exceptions of House Bill No. 1406 which was held at the desk and Senate Bill No. 5976 which was placed on the second reading calendar.

MOTION

On motion of Senator Fain, Engrossed Substitute House Bill No. 2222 which had been previously held at the desk on June 29, 2017 was referred to the Committee on Health Care.

MOTION

At 8:00 a.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 10:46 a.m. by President Habib. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Ms. Linda Jansson and Ms. Rose Baran, presented the Colors. The President led the Senate in the Pledge of Allegiance.

The prayer was offered by Senator Jan Angel, 26th Legislative District, Port Orchard.

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:

SENATE BILL NO. 5252,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5254,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5303,
SUBSTITUTE SENATE BILL NO. 5901,
SENATE BILL NO. 5969.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

E2SHB 1341 by House Committee on Appropriations (originally sponsored by Representatives Bergquist, McCaslin, Stonier, Muri and Pollet)

AN ACT Relating to professional certification for teachers and school administrators; amending RCW 28A.410.210, 28A.410.220, 28A.410.250, and 28A.410.270; adding new sections to chapter 28A.410 RCW; creating a new section; and providing an expiration date.

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

ESHB 1597 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz and Doglio)

AN ACT Relating to increasing revenue to the state wildlife account by increasing commercial fishing license fees and streamlining wholesale fish dealing, buying, and selling requirements; amending RCW 77.12.170, 77.12.177, 77.15.096, 69.04.933, 69.04.934, 77.15.110, 77.15.170, 77.15.500, 77.15.565, 77.15.568, 77.15.620, 77.15.630, 77.15.640, 77.65.010, 77.65.020, 77.65.090, 77.65.110, 77.65.120, 77.65.150, 77.65.160, 77.65.170, 77.65.190,

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77.65.200, 77.65.240, 77.65.280, 77.65.310, 77.65.320, 77.65.330, 77.65.340, 77.65.350, 77.65.390, 77.65.440, 77.65.480, 77.65.490, 77.65.500, 77.65.510, 77.65.580, 77.65.590, 77.70.150, 77.70.190, 77.70.220, 77.70.280, 77.70.290, 77.70.300, 77.70.340, 77.70.430, 77.70.490, 82.27.020, 82.27.070, 69.07.100, and 36.71.090; reenacting and amending RCW 77.08.010, 77.65.210, 77.65.220, and 77.65.370; adding a new section to chapter 77.65 RCW; creating new sections; repealing RCW 77.65.290, 77.65.300, 77.65.360, 77.65.515, 77.65.520, and 77.65.900; and providing an effective date.

Referred to Committee on Appropriations.

2E2SHB 1661 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Sullivan, Dent, Senn, Muri, Kilduff, Klippert, Frame, Goodman, Ortiz-Self, Wilcox, Lovick, Hargrove, Clibborn, Lytton, Appleton, Fitzgibbon, Orwall, Kloba, Sells, Fey, Macri, Bergquist, Pollet, Hudgins, Robinson, Stanford and Slatter)

AN ACT Relating to creating the department of children, youth, and families; amending RCW 43.215.030, 43.17.010, 43.17.020, 43.06A.030, 43.215.100, 43.215.020, 43.215.065, 43.215.070, 43.215.200, 43.215.216, 43.215.217, 43.215.218, 43.215.405, 43.215.420, 43.215.495, 43.215.545, 43.215.550, 28A.150.315, 28A.155.065, 28A.210.070, 28A.215.020, 28A.320.191, 28A.400.303, 28A.410.010, 43.41.400, 43.43.837, 43.43.838, 43.88.096, 4.24.595, 13.34.090, 13.34.096, 13.34.110, 13.34.136, 13.34.141, 13.34.180, 13.34.820, 13.38.040, 13.50.100, 13.50.140, 13.60.010, 13.60.040, 13.64.030, 13.64.050, 26.33.020, 26.33.345, 26.44.020, 26.44.030, 26.44.040, 26.44.050, 26.44.063, 26.44.105, 26.44.140, 43.20A.360, 74.04.800, 26.34.030, 26.34.040, 70.02.220, 26.10.135, 26.50.150, 26.50.160, 28A.150.510, 74.09.510, 74.13.020, 74.13.025, 74.13.039, 74.13.062, 74.13.1051, 74.13.107, 74.13.335, 74.15.020, 74.15.030, 74.15.060, 74.15.070, 74.15.080, 74.15.120, 74.15.134, 74.15.200, 74.15.901, 13.32A.030, 13.32A.178, 74.13A.075, 74.13A.060, 74.13A.085, 74.13B.005, 74.13B.010, 74.14B.010, 74.14B.050, 74.14B.070, 74.14B.080, 74.14C.005, 74.14C.010, 74.14C.070, 74.14C.090, 13.04.011, 13.04.116, 13.04.145, 13.40.040, 13.40.045, 13.40.185, 13.40.210, 13.40.220, 13.40.285, 13.40.300, 13.40.310, 13.40.320, 13.40.460, 13.40.462, 13.40.464, 13.40.466, 13.40.468, 13.40.510, 13.40.520, 13.40.540, 13.40.560, 74.14A.030, 74.14A.040, 72.01.045, 72.01.050, 13.16.100, 28A.225.010, 72.09.337, 72.05.010, 72.05.020, 72.05.130, 72.05.154, 72.05.415, 72.05.435, 72.05.440, 72.19.010, 72.19.020, 72.19.030, 72.19.040, 72.19.050, 72.19.060, 72.72.030, 72.72.040, 13.06.020, 13.06.030, 13.06.040, 13.06.050, 28A.190.010, 28A.190.020, 28A.190.040, 28A.190.050, 28A.190.060, 71.34.795, 72.01.010, 72.01.210, 72.01.410, 9.96A.060, 9.97.020, 41.06.475, 41.56.030, 41.56.510, 43.06A.100, 43.20A.090, 43.06A.060, 43.06A.070, 43.15.020, 70.02.200, 70.02.230, 74.04.060, and 74.34.063; reenacting and amending RCW 42.17A.705, 43.215.010, 43.215.215, 42.56.230, 43.43.832, 13.34.030, 13.36.020, 13.50.010, 13.36.020, 13.04.030, 13.40.020, and 13.40.280; adding a new section to chapter 43.06A RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.215.010, 43.215.020, 43.215.030, 43.215.050, 43.215.060,

43.215.065, 43.215.070, 43.215.080, 43.215.090, 43.215.099, 43.215.100, 43.215.1001, 43.215.101, 43.215.102, 43.215.103, 43.215.105, 43.215.110, 43.215.120, 43.215.130, 43.215.135, 43.215.1351, 43.215.1352, 43.215.136, 43.215.137, 43.215.140, 43.215.145, 43.215.146, 43.215.147, 43.215.195, 43.215.200, 43.215.201, 43.215.205, 43.215.210, 43.215.215, 43.215.216, 43.215.217, 43.215.218, 43.215.220, 43.215.230, 43.215.240, 43.215.250, 43.215.255, 43.215.260, 43.215.270, 43.215.280, 43.215.290, 43.215.300, 43.215.305, 43.215.307, 43.215.308, 43.215.310, 43.215.320, 43.215.330, 43.215.335, 43.215.340, 43.215.350, 43.215.355, 43.215.360, 43.215.370, 43.215.371, 43.215.400, 43.215.405, 43.215.410, 43.215.415, 43.215.420, 43.215.425, 43.215.430, 43.215.435, 43.215.440, 43.215.445, 43.215.450, 43.215.455, 43.215.456, 43.215.457, 43.215.460, 43.215.470, 43.215.472, 43.215.474, 43.215.476, 43.215.490, 43.215.492, 43.215.495, 43.215.500, 43.215.502, 43.215.505, 43.215.510, 43.215.520, 43.215.525, 43.215.530, 43.215.532, 43.215.535, 43.215.540, 43.215.545, 43.215.550, 43.215.555, 43.215.560, 43.215.562, 43.215.564, 43.215.900, 43.215.901, 43.215.903, 43.215.905, 43.215.908, and 43.215.909; decodifying RCW 13.40.800, 43.215.005, 43.215.125, 43.215.907, 72.05.300, and 74.14B.900; repealing RCW 43.20A.780, 43.20A.850, 43.215.040, and 44.04.220; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1677 by House Committee on Capital Budget (originally sponsored by Representatives Peterson, Pike, Senn, McBride, DeBolt, Macri, Stonier, Riccelli and Fey)

AN ACT Relating to local government infrastructure funding; amending RCW 43.155.010, 43.155.020, 43.155.030, 43.155.040, 43.155.060, 43.155.065, 43.155.068, 43.155.070, and 43.155.075; reenacting and amending RCW 43.155.050; creating new sections; and providing an expiration date.

E2SHB 1777 by House Committee on Capital Budget (originally sponsored by Representatives Kagi, Johnson, Doglio, Dent, Ryu, MacEwen, Senn, Farrell, Nealey, Ortiz-Self, McBride, Macri, Fey, Slatter and Jinkins)

AN ACT Relating to financing early learning facilities to support the needed expansion of early learning classrooms across Washington; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, under suspension of the rules all bills listed on the day's supplemental introduction report were placed on the second reading calendar.

MOTION

At 10:51 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:32 p.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1042,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

REMARKS BY THE PRESIDENT

President Habib: "The President and Secretary Goodman would together would like to, on behalf of the state Senate, acknowledge and give our profound gratitude to Andy Staubitz and his entire team. Particularly all of those who we may not be seeing during the interim, those who step up and serve the state and serve us in the state Senate, providing security for us during our session. Often believing that it will be 105 days, sometimes serving for 180 days, but we would not be able to do what we do here in the state Senate without the tremendous professionalism and courage of those who serve us and the public and all the staff here in the Senate, each and every day that we do that. So I would just like to ask the Senate to join me in thanking them for all of there service to our state."

The Senate rose and recognized the service and contributions made by the Sergeant At Arms staff during the 2017 sessions.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5898, by Senate Committee on Ways & Means (originally sponsored by Senator Braun)

Concerning eligibility for public assistance programs.

The bill was read on Third Reading.

MOTION

On motion of Senator Braun, the rules were suspended and Substitute Senate Bill No. 5898 was returned to second reading for the purpose of amendment.

MOTION

Senator Braun moved that the following floor striking amendment no. 304 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 35.** RCW 74.08A.260 and 2011 1st sp.s. c 42 s 2 are each amended to read as follows:

(1) Each recipient shall be assessed after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient.

(2) Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for maximizing the recipient's success at meeting the employment goal; (b) considers WorkFirst educational and training programs from which the recipient could benefit; (c) contains the obligation of the recipient to participate in the program by complying with the plan; (d) moves the recipient into full-time WorkFirst activities as quickly as possible; and (e) describes the services available to the recipient either during or after WorkFirst to enable the recipient to obtain and keep employment and to advance in the workplace and increase the recipient's wage earning potential over time.

(3) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(4) If a recipient refuses to engage in work and work activities required by the department, the family's grant shall be reduced by the recipient's share, and may, if the department determines it appropriate, be terminated.

(5) The department may waive the penalties required under subsection (4) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

(7) Assessments conducted under this section shall include a consideration of the potential benefit to the recipient of engaging in financial literacy activities. The department shall consider the options for financial literacy activities available in the community, including information and resources available through the financial education public-private partnership created under RCW 28A.300.450. The department may authorize up to ten hours of financial literacy activities as a core activity or an optional activity under WorkFirst.

(8)(a) ~~((From July 1, 2011, through June 30, 2012,))~~ Subsections (2) through (6) of this section are suspended for a recipient who is a parent or other relative personally providing care for ~~((one))~~ a child under the age of two years ~~((or two or more children under the age of six years))~~. This suspension applies to both one and two parent families. However, both parents in a two-parent family cannot use the suspension during the same month. ~~((Beginning July 1, 2012, the department shall phase in the work activity requirements that were suspended, beginning with those recipients closest to reaching the sixty-month limit of receiving temporary assistance for needy families under RCW 74.08A.010(1). The phase in shall be accomplished so that a fairly equal number of recipients required to participate~~

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~~in work activities are returned to those activities each month until the total number required to participate is participating by June 30, 2013.)) Nothing in this subsection shall prevent a recipient from participating in the WorkFirst program on a voluntary basis. ((Recipients who participate in the WorkFirst program on a voluntary basis shall be provided an option to participate in the program on a part-time basis, consisting of sixteen or fewer hours of activities per week. Recipients also may participate voluntarily on a full-time basis.))~~

(b)(i) The period of suspension of work activities under this subsection provides an opportunity for the legislative and executive branches to oversee redesign of the WorkFirst program. To realize this opportunity, both during the period of suspension and following reinstatement of work activity requirements as redesign is being implemented, a legislative-executive WorkFirst oversight task force is established, with members as provided in this subsection (8)(b).

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

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

(iv) The governor shall appoint members representing the department of social and health services, the department of early learning, the department of commerce, the employment security department, the office of financial management, and the state board for community and technical colleges.

(v) The task force shall choose cochairs, one from among the legislative members and one from among the executive branch members. The legislative members shall convene the initial meeting of the task force.

(c) The task force shall:

(i) Oversee the partner agencies' implementation of the redesign of the WorkFirst program and operation of the temporary assistance for needy families program to ensure that the programs are achieving desired outcomes for their clients;

(ii) Determine evidence-based outcome measures for the WorkFirst program, including measures related to equitably serving the needs of historically underrepresented populations, such as English language learners, immigrants, refugees, and other diverse communities;

(iii) Develop accountability measures for WorkFirst recipients and the state agencies responsible for their progress toward self-sufficiency;

(iv) Make recommendations to the governor and the legislature regarding:

(A) Policies to improve the effectiveness of the WorkFirst program over time;

(B) Early identification of those recipients most likely to experience long stays on the program and strategies to improve their ability to achieve progress toward self-sufficiency; and

(C) Necessary changes to the program, including taking into account federal changes to the temporary assistance for needy families program.

(d) The partner agencies must provide the task force with regular reports on:

(i) The partner agencies' progress toward meeting the outcome and performance measures established under (c) of this subsection;

(ii) Caseload trends and program expenditures, and the impact of those trends and expenditures on client services, including services to historically underrepresented populations; and

(iii) The characteristics of families who have been unsuccessful on the program and have lost their benefits either through sanction or the sixty-month time limit.

(e) Staff support for the task force must be provided by senate committee services, the house of representatives office of program research, and the state agency members of the task force.

(f) The task force shall meet on a quarterly basis beginning September 2011, or as determined necessary by the task force cochairs.

(g) During its tenure, the state agency members of the task force shall respond in a timely manner to data requests from the cochairs.

Sec. 36. RCW 74.08A.270 and 2007 c 289 s 1 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include: (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (b) the recipient is a parent with a child under the age of ~~((one))~~ two years.

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

(a) Mental health treatment;

(b) Alcohol or drug treatment;

(c) Domestic violence services; or

(d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of ~~((twelve))~~ twenty-four months over the parent's lifetime."

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "and amending RCW 74.08A.260 and 74.08A.270."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 304 by Senator Braun to Substitute Senate Bill No. 5898.

The motion by Senator Braun carried and floor striking amendment no. 304 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5898.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5898 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5898, 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, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5976, by Senators Rivers and Liias

Addressing wages or hours of individual providers.

The measure was read the second time.

MOTION

On motion of Senator , the rules were suspended, Senate Bill No. 5976 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5976.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5976 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5976, 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. 1597, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz and Doglio)

Increasing revenue to the state wildlife account by increasing commercial fishing license fees and streamlining wholesale fish dealing, buying, and selling requirements.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 1597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson 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. 1597.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1597 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, McCoy and Saldaña

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5934, by Senator Padden

Concerning convicted persons.

MOTION

On motion of Senator Padden, Substitute Senate Bill No. 5934 was substituted for Senate Bill No. 5934 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5934 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677, by House Committee on Capital Budget (originally sponsored by Representatives Peterson, Pike, Senn, McBride, DeBolt, Macri, Stonier, Riccelli and Fey)

TENTH DAY, JUNE 30, 2017

2017 3RD SPECIAL SESSION

Concerning local government infrastructure funding.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Engrossed Substitute House Bill No. 1677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Frockt and Wellman 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 Engrossed Substitute House Bill No. 1677.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1677 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, Hasegawa and McCoy

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1777, by House Committee on Capital Budget (originally sponsored by Representatives Kagi, Johnson, Doglio, Dent, Ryu, MacEwen, Senn, Farrell, Nealey, Ortiz-Self, McBride, Macri, Fey, Slatter and Jinkins)

Concerning the financing of early learning facilities.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Second Substitute House Bill No. 1777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1777.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1777 and the bill passed the

Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liiias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Padden, Short and Warnick

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1777, 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, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

June 30, 2017

SB 5251 Prime Sponsor, Senator Takko: Concerning tourism marketing. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5251 be substituted therefor, and the second substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5883 Prime Sponsor, Senator Braun: Relating to fiscal matters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5883 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey; Becker; Billig; Conway; Darneille; Fain; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Carlyle; Hasegawa; Keiser and Padden.

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5939 Prime Sponsor, Senator Ericksen: Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance

for renewable energy system component recycling. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5939 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Keiser; Miloscia; Pedersen; Rivers; Warnick and Zeiger.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Honeyford, Vice Chair, Capital Budget ; Hasegawa; Padden and Schoesler.

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5947 Prime Sponsor, Senator Pearson: Concerning the Columbia river salmon and steelhead endorsement program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5947 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Padden; Pedersen; Schoesler; Warnick and Zeiger.

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

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

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5965 Prime Sponsor, Senator Honeyford: Relating to the capital budget. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5965 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Ranker, Ranking Minority Member; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig; Carlyle; Darneille and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Rolfes, Assistant Ranking Minority Member, Operating Budget; Conway; Hasegawa and Keiser.

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5975 Prime Sponsor, Senator Fain: Relating to paid family and medical leave. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5975 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers; Schoesler; Warnick and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget and Padden.

Referred to Committee on Rules for second reading.

June 30, 2017

SB 5977 Prime Sponsor, Senator Rossi: Relating to revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5977 be substituted therefor, and the substitute bill do pass. Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey; Becker; Conway; Fain; Miloscia; Padden; Rivers; Schoesler; Warnick and Zeiger.

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

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

Referred to Committee on Rules for second reading.

June 30, 2017

HB 1140 Prime Sponsor, Representative Jinkins: Extending surcharges on court filing fees for deposit in the judicial stabilization trust account to July 1, 2021. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Fain; Hasegawa; Keiser; Miloscia; Pedersen; Rivers and Zeiger.

MINORITY recommendation: Do not pass. Signed by Senators Honeyford, Vice Chair, Capital Budget and Schoesler.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Brown, Vice Chair; Padden and Warnick.

Referred to Committee on Rules for second reading.

TENTH DAY, JUNE 30, 2017

2017 3RD SPECIAL SESSION

June 30, 2017

ESHB 2222 Prime Sponsor, Committee on Health Care & Wellness: Protecting information obtained to develop or implement an individual health insurance market stability program. Reported by Committee on Health Care

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MAJORITY recommendation: Do pass. Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer; Conway; Keiser; Miloscia; Mullet and Walsh.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker, Vice Chair; Bailey and O'Ban.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, the recommendations of the Standing Committees were accepted and all measures listed on the Supplemental Committee report were referred to the committees as designated.

MOTION

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

SECOND SUPPLEMENTAL AND FIRST READING

HB 1042 by Representatives Springer, Harris, Jinkins, Fitzgibbon, Tharinger and Sawyer
AN ACT Relating to eliminating the office of the insurance commissioner's school district or educational service district annual report; amending RCW 28A.400.275; and repealing RCW 48.02.210 and 48.62.181.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, under suspension of the rules House Bill No. 1042 was placed on the second reading calendar.

MOTION

At 1:06 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 3:01 p.m. by President Habib.

MOTION

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

MESSAGES FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:
The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1624,
HOUSE BILL NO. 1716,

and the same are herewith transmitted.

MR. PRESIDENT:
The Speaker has signed:

SENATE BILL NO. 5252,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5254,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5303,
THIRD ENGROSSED SENATE BILL NO. 5517,
ENGROSSED SENATE BILL NO. 5646,
SUBSTITUTE SENATE BILL NO. 5901,
SENATE BILL NO. 5969,
SENATE CONCURRENT RESOLUTION NO. 8406,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MR. PRESIDENT:
The House has passed:

ENGROSSED HOUSE BILL NO. 2190,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MR. PRESIDENT:
The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5898,
SENATE BILL NO. 5976,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

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

SUBSTITUTE HOUSE BILL NO. 1624,
HOUSE BILL NO. 1716.

MOTION

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

THIRD SUPPLEMENTAL AND FIRST READING

EHB 2190 by Representative Ormsby
AN ACT Relating to budget stabilization account transfers;
and amending RCW 43.79.496.

Referred to Committee on Appropriations.

MOTION

On motion of Senator Fain, under suspension of the rules Engrossed House Bill No. 2190 was placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE BILL NO. 5883, by Senator Braun

Relating to fiscal matters. Revised for 1st Substitute: Making operating appropriations for the 2015-2017 and 2017-2019 fiscal biennia.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5883 was substituted for Senate Bill No. 5883 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hobbs moved that the following floor amendment no. 319 by Senators Bailey, Chase, Hobbs, Liias, McCoy, Palumbo, Pearson and Ranker be adopted:

On page 123, after line 37, insert the following:

"(aaa) \$96,000 of the general fund—state appropriation for fiscal year 2018 and \$96,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Snohomish county to purchase Naloxone, to be distributed to law enforcement officers, community partners, and individuals who are highly susceptible to overdose due to transition from detox facilities."

Senator Hobbs spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 319 by Senators Bailey, Chase, Hobbs, Liias, McCoy, Palumbo, Pearson and Ranker on page 123, after line 37 to Substitute Senate Bill No. 5883.

The motion by Senator Hobbs did not carry and floor amendment no. 319 was not adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5883 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Ranker, Keiser, Ericksen, Walsh and Baumgartner spoke in favor of passage of the bill.

Senator Mullet spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5883.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5883 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Miloscia, Nelson, O'Ban, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Chase, Cleveland, Hasegawa, Kuderer, Liias, McCoy, Mullet, Padden, Palumbo and Wellman

SUBSTITUTE SENATE BILL NO. 5883, 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.

The Senate resumed consideration of Substitute Senate Bill No. 5934 which had been deferred earlier in the day.

MOTION

Senator Padden moved that the following floor striking amendment no. 295 by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

"PART I

SERIOUSNESS LEVEL OF CRIMES

Sec. 101. RCW 9.94A.515 and 2017 c 335 s 4, 2017 c 292 s 3, 2017 c 272 s 10, and 2017 c 266 s 8 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))

TENTH DAY, JUNE 30, 2017

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- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
 - Assault of a Child 2 (RCW 9A.36.130)
 - Explosive devices prohibited (RCW 70.74.180)
 - Hit and Run—Death (RCW 46.52.020(4)(a))
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Malicious placement of an explosive 2 (RCW 70.74.270(2))
 - Robbery 1 (RCW 9A.56.200)
 - Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
 - Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
 - Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
 - Manslaughter 2 (RCW 9A.32.070)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Theft of Ammonia (RCW 69.55.010)
- VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
 - Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
 - Burglary 1 (RCW 9A.52.020)
 - Child Molestation 2 (RCW 9A.44.086)
 - Civil Disorder Training (RCW 9A.48.120)
 - Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
 - Sale of, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
 - Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
 - Drive-by Shooting (RCW 9A.36.045)
 - Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Malicious placement of an explosive 3 (RCW 70.74.270(3))
 - Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
 - Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
 - Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
 - Bribery (RCW 9A.68.010)
 - Incest 1 (RCW 9A.64.020(1))
 - Intimidating a Judge (RCW 9A.72.160)
 - Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 - Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 - Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
 - Rape of a Child 3 (RCW 9A.44.079)
 - Taking Motor Vehicle Without Permission 1 (third or subsequent offense) (RCW 9A.56.070)
 - Theft of a Firearm (RCW 9A.56.300)
 - Theft from a Vulnerable Adult 1 (RCW 9A.56.---(1) (section 6(1), chapter 266, Laws of 2017))
 - Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
 - Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 - Air bag diagnostic systems (RCW 46.37.660(2)(c))
 - Air bag replacement requirements (RCW 46.37.660(1)(c))
 - Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
 - Child Molestation 3 (RCW 9A.44.089)
 - Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
 - Sale of, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
 - Criminal Mistreatment 2 (RCW 9A.42.030)
 - Custodial Sexual Misconduct 1 (RCW 9A.44.160)
 - Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
 - Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
 - Extortion 1 (RCW 9A.56.120)
 - Extortionate Extension of Credit (RCW 9A.82.020)
 - Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 - Incest 2 (RCW 9A.64.020(2))
 - Kidnapping 2 (RCW 9A.40.030)
 - Perjury 1 (RCW 9A.72.020)
 - Persistent prison misbehavior (RCW 9.94.070)

- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Residential Burglary (RCW 9A.52.025)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Driving While Under the Influence (RCW 46.61.502(6))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- ~~((Residential Burglary (RCW 9A.52.025)))~~
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Malicious Mischief 1 (motor vehicle, third or subsequent offense) (RCW 9A.48.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Possession of Stolen Vehicle (third or subsequent offense) (RCW 9A.56.068)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)

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- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft of Motor Vehicle (third or subsequent offense) (RCW 9A.56.065)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.90.040)
- Counterfeiting (RCW 9.16.035(3))
- Electronic Data Service Interference (RCW 9A.90.060)
- Electronic Data Tampering 1 (RCW 9A.90.080)
- Electronic Data Theft (RCW 9A.90.100)
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Malicious Mischief 2 (motor vehicle, third or subsequent offense) (RCW 9A.48.080)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
- Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)

- Taking Motor Vehicle Without Permission 2 (third or subsequent offense) (RCW 9A.56.075)
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Vehicle Prowl 1 (third or subsequent offense) (RCW 9A.52.095)
- Voyeurism 1 (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
- Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft from a Vulnerable Adult 2 (RCW 9A.56.---(2) (section 6(2), chapter 266, Laws of 2017))
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
- Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

PART II

COMMUNITY CUSTODY: CONCURRENT

Sec. 201. RCW 9.94A.589 and 2015 2nd sp.s. c 3 s 13 are each amended to read as follows:

(1)(a) Except as provided in (b), (c), or (d) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.535. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses arising from separate and distinct criminal conduct, the standard sentence range for the offense with the highest seriousness level under RCW 9.94A.515 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the standard sentence range for other serious violent offenses shall be determined by using an offender score of zero. The standard sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under this subsection (1)(b) shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection. However, unless the court expressly orders that the community custody terms run consecutively to each other, such terms shall run concurrently to each other even if the court orders the confinement terms to run consecutively to each other.

(c) If an offender is convicted under RCW 9.41.040 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, the standard sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior

convictions. The offender shall serve consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(d) All sentences imposed under RCW 46.61.502(6), 46.61.504(6), or 46.61.5055(4) shall be served consecutively to any sentences imposed under RCW 46.20.740 and 46.20.750.

(2)(a) ~~((Except as provided in (b) of this subsection,))~~ Whenever a person while under sentence for conviction of a felony commits another felony and is sentenced to another term of confinement, the latter term of confinement shall not begin until expiration of all prior terms of confinement. However, any terms of community custody shall run concurrently to each other, unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(b) Whenever a second or later felony conviction results in consecutive community ~~((supervision))~~ custody with conditions not currently in effect, under the prior sentence or sentences of community ~~((supervision))~~ custody the court may require that the conditions of community ~~((supervision))~~ custody contained in the second or later sentence begin during the immediate term of community ~~((supervision))~~ custody and continue throughout the duration of the consecutive term of community ~~((supervision))~~ custody.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence for conviction of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that ~~((they))~~ the confinement terms be served consecutively to each other. Unless the court expressly orders that the community custody terms run consecutively, such terms run concurrently to each other even if the court orders the confinement terms to run consecutively to each other.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) ~~((In the case of consecutive sentences,))~~ All periods of total confinement shall be served before any partial confinement, community ~~((restitution, community supervision))~~ custody, or any other requirement or conditions of any of the sentences. ((Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty four months.))

Sec. 202. RCW 9.94B.050 and 2003 c 379 s 4 are each amended to read as follows:

When a court sentences an offender to a term of total confinement in the custody of the department for any of the offenses specified in this section, the court shall also sentence the offender to a term of community placement as provided in this section. Except as provided in RCW 9.94A.501, the department shall supervise any sentence of community placement imposed under this section.

(1) The court shall order a one-year term of community placement for the following:

(a) A sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990; or

(b) An offense committed on or after July 1, 1988, but before July 25, 1999, that is:

(i) Assault in the second degree;

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(ii) Assault of a child in the second degree;
 (iii) A crime against persons where it is determined in accordance with RCW ((9.94A.602)) 9.94A.825 that the offender or an accomplice was armed with a deadly weapon at the time of commission; or

(iv) A felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660.

(2) The court shall sentence the offender to a term of community placement of two years or up to the period of earned release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

(a) An offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, including those sex offenses also included in other offense categories;

(b) A serious violent offense other than a sex offense committed on or after July 1, 1990, but before July 1, 2000; or

(c) A vehicular homicide or vehicular assault committed on or after July 1, 1990, but before July 1, 2000.

(3) The community placement ordered under this section shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release. When the court sentences an offender to the statutory maximum sentence then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible. Any period of community custody actually served shall be credited against the community placement portion of the sentence. The community placement shall run concurrently to any period of probation, parole, community supervision, community placement, or community custody previously imposed by any court in any jurisdiction, unless the court pronouncing the current sentence expressly orders that they be served consecutively to each other.

(4) Unless a condition is waived by the court, the terms of any community placement imposed under this section shall include the following conditions:

(a) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(b) The offender shall work at department-approved education, employment, or community restitution, or any combination thereof;

(c) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(d) The offender shall pay supervision fees as determined by the department; and

(e) The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement.

(5) As a part of any terms of community placement imposed under this section, the court may also order one or more of the following special conditions:

(a) The offender shall remain within, or outside of, a specified geographical boundary;

(b) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) The offender shall participate in crime-related treatment or counseling services;

(d) The offender shall not consume alcohol; or

(e) The offender shall comply with any crime-related prohibitions.

(6) An offender convicted of a felony sex offense against a minor victim after June 6, 1996, shall comply with any terms and conditions of community placement imposed by the department relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(7) Prior to or during community placement, upon recommendation of the department, the sentencing court may remove or modify any conditions of community placement so as not to be more restrictive.

NEW SECTION. Sec. 203. A new section is added to chapter 9.94B RCW to read as follows:

Except for exceptional sentences as authorized under RCW 9.94A.535, if two or more sentences that run consecutively include periods of community supervision that the court has expressly ordered to run consecutively, the aggregate of the community supervision period shall not exceed twenty-four months.

NEW SECTION. Sec. 204. The department of corrections must recalculate the scheduled end dates for terms of community custody, community supervision, and community placement so that they run concurrently to previously imposed sentences of community custody, community supervision, community placement, probation, and parole. This section applies to each offender currently in confinement or under active supervision, regardless of whether the offender is sentenced after the effective date of this section, and regardless of whether the offender's date of offense occurred prior to the effective date of this section or after.

NEW SECTION. Sec. 205. The legislature declares that the department of corrections' recalculations of community custody terms pursuant to this act do not create any expectations that a particular community custody term will end before July 1, 2017, and offenders have no reason to conclude that the recalculation of their community custody terms before July 1, 2017, is an entitlement or creates any liberty interest in their community custody term ending before July 1, 2017.

NEW SECTION. Sec. 206. The department of corrections has the authority to begin implementing sections 201 through 204 of this act upon the effective date of this section.

PART III

COMMUNITY CUSTODY: MOTOR VEHICLE OFFENSE PILOT

NEW SECTION. Sec. 301. A new section is added to chapter 9.94A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this purpose, a pilot program is established for the supervision of offenders convicted of felonies relating to the theft or taking of a motor vehicle.

(2) Notwithstanding the provisions of RCW 9.94A.701, until June 30, 2019, the court may sentence an offender to community custody for a term of one year when the court sentences the person to the custody of the department for theft of a motor vehicle (RCW 9A.56.065), possession of a stolen vehicle (RCW 9A.56.068), taking a motor vehicle without permission in the first degree (RCW 9A.56.070), taking a motor vehicle without permission in the second degree (RCW 9A.56.075), or a crime against property with a prior conviction for one of the preceding motor vehicle crimes.

(3) Notwithstanding the provisions of RCW 9.94A.501, the department shall supervise any offender sentenced to community custody pursuant to subsection (2) of this section.

(4) No later than November 1, 2020, the department must submit a report to the governor and the appropriate committees of the legislature analyzing the effectiveness of supervision in reducing recidivism among offenders committing felonies relating to the theft or taking of a motor vehicle. The department shall consult with the Washington state institute for public policy in guiding its data tracking efforts and preparing the report.

(5) This section expires December 31, 2020.

PART IV

COMMUNITY CUSTODY: GOOD TIME

Sec. 401. RCW 9.94A.501 and 2016 sp.s. c 28 s 1 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

- (a) Offenders convicted of:
 - (i) Sexual misconduct with a minor second degree;
 - (ii) Custodial sexual misconduct second degree;
 - (iii) Communication with a minor for immoral purposes; and
 - (iv) Violation of RCW 9A.44.132(2) (failure to register); and
- (b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (8), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of positive achievement time pursuant to section 402 of this act.

NEW SECTION. Sec. 402. A new section is added to chapter 9.94A RCW to read as follows:

(1) If an offender sentenced under this chapter or chapter 9.94B RCW is supervised by the department, the offender may earn positive achievement time in accordance with procedures that are developed and adopted by the department.

(a) The positive achievement time shall be awarded to offenders who are in compliance with supervision terms and are making progress towards the goals of their individualized supervision case plan, including: Participation in specific targeted interventions, risk-related programming or treatment; or completing steps towards specific targeted goals that enhance protective factors and stability, as determined by the department.

(b) For each month of community custody served, offenders may earn positive achievement time of ten days.

(c) Positive achievement time is accrued monthly and time shall not be applied to an offender's term of supervision prior to the earning of the time.

(2) An offender is not eligible to earn positive achievement time if he or she:

(a) Was sentenced under RCW 9.94A.507 or 10.95.030;

(b) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670;

(c) Is subject to supervision pursuant to RCW 9.94A.745;

(d) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(e) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017; or

(f) Is serving community custody pursuant to early release under RCW 9.94A.730.

NEW SECTION. Sec. 403. The department of corrections has discretion to implement sections 401 and 402 of this act over a period of time not to exceed twelve months. For any offender under active supervision by the department as of the effective date of this section, he or she is not eligible to earn positive achievement time pursuant to section 402 of this act until he or she has received an orientation by the department regarding positive time.

PART V**HABITUAL PROPERTY OFFENDERS**

NEW SECTION. Sec. 501. (1) The legislature finds there to be a significant number of property crimes in Washington and that the current practices in the criminal justice system are ineffective in reducing recidivism.

(2) The legislature further finds that a large portion of property crimes in Washington are committed by habitual offenders. Increasing the sanctions for habitual property offenders will provide more effective deterrents to recidivism. The legislature intends to enhance the courts' discretion to more appropriately sentence habitual property offenders with significant histories of burglary and theft.

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NEW SECTION. Sec. 502. A new section is added to chapter 9.94A RCW to read as follows:

(1) The prosecuting attorney may file a special allegation when sufficient evidence exists to show that the accused is a habitual property offender.

(2) In a criminal case in which there has been a special allegation and the accused has been convicted of the underlying crime, the court shall make a finding of fact prior to sentencing whether the person is a habitual property offender based on the person's criminal history. If the court finds beyond a reasonable doubt that the person is a habitual property offender, the person shall be sentenced in accordance with RCW 9.94A.533(15).

(3) For purposes of this section, a person is a habitual property offender if:

(a) The present felony conviction for which the person is being sentenced is for residential burglary, burglary in the second degree, theft in the first degree, theft in the second degree, theft of a firearm, unlawful issuance of checks or drafts, organized retail theft, theft with special circumstances, or mail theft;

(b) The person has an offender score of nine points or higher;

(c) At least nine of the points in the person's offender score result from any combination of the following felony offenses: Residential burglary, burglary in the second degree, theft in the first degree, theft in the second degree, theft of a firearm, unlawful issuance of checks or drafts, organized retail theft, theft with special circumstances, or mail theft; and

(d) The person has either received drug treatment related to any felony conviction or has refused drug treatment related to any felony conviction.

Sec. 503. RCW 9.94A.533 and 2016 c 203 s 7 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or

both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual

motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the

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victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

(15)(a) The following additional times shall be added to the standard sentence range if the court finds that the offender is a habitual property offender pursuant to section 502 of this act:

(i) Twenty-four months if the offender is being sentenced for a felony defined as a class B felony;

(ii) Twelve months if the offender is being sentenced for a felony defined as a class C felony.

(b) A sentence imposed pursuant to this subsection is not to exceed the statutory maximum for the crime as established in RCW 9A.20.021.

(c) Notwithstanding any other provision of law, all habitual property offender enhancements imposed under this subsection (15) are mandatory and shall be served in total confinement. However, whether or not the mandatory minimum

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term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

PART VI

MOTOR VEHICLE PROPERTY OFFENDERS

Sec. 601. RCW 9.94A.525 and 2017 c 272 s 3 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions

and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, (~~(2)~~) Taking a Motor Vehicle Without Permission 2, Malicious Mischief 1 (motor vehicle), or Malicious Mischief 2

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(motor vehicle), count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, ~~((#))~~ Taking a Motor Vehicle Without Permission 2, Malicious Mischief 1 (motor vehicle), or Malicious Mischief 2 (motor vehicle) conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order RCW 26.50.110, felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030;

(c) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

(d) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

PART VII

IDENTICARDS FOR PERSONS RELEASED FROM DEPARTMENT OF CORRECTIONS

NEW SECTION. **Sec. 701.** The legislature intends to create an identicard program to assist incarcerated offenders to obtain a state-issued identicard to aid and prepare offenders for release from prison and reentry into the community. The legislature finds that each step that assists individuals being released from prisons helps incarcerated offenders avoid predictable conditions that lead to future recidivism. In accordance with executive order 16-05 building safe and strong

communities through successful reentry, this act intends to ensure that offenders released from state prisons have adequate identification in order to increase public safety and reduce recidivism.

NEW SECTION. **Sec. 702.** A new section is added to chapter 72.09 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, working in conjunction with the department of licensing, shall create and implement an identicard program to provide offenders released within Washington state a state-issued identicard pursuant to RCW 46.20.117.

(2) An offender is eligible for an original, renewal, or replacement identicard pursuant to this section, provided he or she:

(a) Meets the department of licensing criteria under RCW 46.20.117;

(b) Is sentenced to the custody of the department, and is incarcerated within a correctional facility with an earned release date that is more than one year from his or her admission date;

(c) Has not been found to be subject to an immigration detainer or removal order and does not become subject to a removal order during the period of incarceration. The department must inquire as to a person's immigration status prior to issuance of an identicard in a manner consistent with RCW 10.70.140;

(d) Is expected to be released to a location within Washington state; and

(e) Pays a fee of eighteen dollars for the cost of the identicard.

(3) A state law enforcement agency, court, or the department may not be prohibited from investigating the legal presence of a person or identifying a defendant's legal presence on a judgment and sentence form or any other investigatory or arrest materials provided to the department after conviction for the purposes of this act.

Sec. 703. RCW 46.20.117 and 2017 c 122 s 1 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) ~~(i)~~ Does not hold a valid Washington driver's license;

~~((#))~~ (ii) Proves his or her identity as required by RCW 46.20.035; and

~~((#))~~ (iii) Pays the required fee. Except as provided in (b) of this subsection or subsection (5) of this section, the fee is fifty-four dollars, unless an applicant is: ~~((#))~~ (A) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services; or ~~((#))~~ (B) under the age of eighteen and does not have a permanent residence address as determined by the department by rule. For those persons, the fee must be the actual cost of production of the identicard; or

(b) Is eligible for issuance of an identicard under section 702 of this act.

(i) A valid identification card issued by the department of corrections may serve as sufficient proof of identity and residency for an applicant under this subsection (1)(b);

(ii) An identicard issued under this subsection (1)(b) must expire two years from the first anniversary of the offender's birthdate after issuance; and

(iii) The department shall charge a fee of eighteen dollars for an identicard issued under this subsection (1)(b).

(2) **Design and term.** The identicard must:

(a) Be distinctly designed so that it will not be confused with the official driver's license; and

(b) Except as provided in subsection (1)(b) or (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or
 (b)(i) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

(ii) An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than six years, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than six years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

Sec. 704. RCW 46.20.117 and 2017 c 122 s 2 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a)(i) Does not hold a valid Washington driver's license;
 ((b)) (ii) Proves his or her identity as required by RCW 46.20.035; and

((c)) (iii) Pays the required fee. Except as provided in (b) of this subsection or subsection (5) of this section, the fee is fifty-four dollars, unless an applicant is: ((d)) (A) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services; or ((e)) (B) under the age of eighteen and does not have a permanent residence address as determined by the department by rule. For those persons, the fee must be the actual cost of production of the identicard; or

(b) Is eligible for issuance of an identicard under section 702 of this act.

(i) A valid identification card issued by the department of corrections may serve as sufficient proof of identity and residency for an applicant under this subsection (1)(b);

(ii) An identicard issued under this subsection (1)(b) must expire two years from the first anniversary of the offender's birthdate after issuance; and

(iii) The department shall charge a fee of eighteen dollars for an identicard issued under this subsection (1)(b).

(2)(a) **Design and term.** The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection (1)(b) or (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(2).

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or
 (b)(i) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

(ii) An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than six years, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than six years, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

NEW SECTION. Sec. 705. The department of corrections and the department of licensing may enter into a memorandum of understanding to meet the requirements of sections 702 through 704 of this act, and have discretion to implement sections 702 through 704 of this act over a period of time not to exceed twelve months from the effective date of this section.

PART VIII

APPLICABILITY AND EXPIRATION

Sec. 801. 2013 2nd sp.s. c 14 s 10 (uncodified) is amended to read as follows:

Section((s 1 and)) 5 of this act expires July 1, 2018.

NEW SECTION. Sec. 802. The following acts or parts of acts are each repealed:

- (1) 2015 c 291 s 9;
- (2) 2015 c 291 s 15 (uncodified); and
- (3) 2015 c 291 s 16 (uncodified).

NEW SECTION. Sec. 803. Sections 201 through 204 of this act apply retroactively and prospectively regardless of the date of an offender's underlying offense.

NEW SECTION. Sec. 804. Section 704 of 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 August 30, 2017.

NEW SECTION. Sec. 805. Section 703 of this act expires August 30, 2017.

NEW SECTION. Sec. 806. Sections 201 through 206, 401 through 403, and 703 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 1 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 9.94A.589, 9.94B.050, 9.94A.501, 9.94A.533, 9.94A.525, 46.20.117, and 46.20.117; amending 2013 2nd sp.s. c 14 s 10 (uncodified); reenacting and amending RCW 9.94A.515; adding a new section to chapter 9.94B RCW; adding new sections to chapter 9.94A RCW; adding a new section to chapter 72.09 RCW; creating new sections; repealing 2015 c 291 s 9; repealing 2015 c 291 ss 15 and 16 (uncodified); prescribing penalties; providing an effective date; providing expiration dates; and declaring an emergency."

MOTION

Senator Darneille moved that the following floor amendment no. 322 by Senators Darneille and Saldaña to floor striking amendment no. 295 be adopted:

On page 39 of the amendment, beginning on line 33, strike all of subsection (3)

Correct any internal references accordingly.

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Senator Darneille spoke in favor of adoption of the amendment to the striking amendment.

ROLL CALL

POINT OF INQUIRY

Senator O'Ban: "Would the prime sponsor yield to a question?"

President Habib: "He does yield."

Senator O'Ban: "Senator Padden, amendment 322 to the striking amendment on Senate Bill 5934, removes the declaration that state law enforcement, the court, or DOC may not be prohibited from investigating the legal presence of a person or identifying a defendant's legal presence on a judgment and sentence form or any other investigatory or arrest materials provided to the department after conviction. As you know, the Department of Corrections is required under RCW 10.70.140 to inquire as to the nationality of persons committed to its facilities and if it shall appear that the person is an alien, to immediately notify the United States Immigration officer in charge of the district where the facility is located. Is Senate Bill 5934 intended to limit, in any way, the duty of the Department of Corrections to fulfill this statutory duty?"

Senator Padden: "Thank you, Senator O'Ban. I understand there has been some concern regarding the application of the language contained in Senate Bill 5934.

This bill as amended retains a provision that the Department must inquire as to a person's immigration status prior to the issuance of an identicard in a manner consistent with RCW 10.70.140. We have contacted the Department and are assured that it will continue to perform the inquiries as to immigration status of those in its custody and to continue interact with and provide information to the United States Immigration authorities as required by law. The bill does not therefore abrogate, amend, or curtail the statutory duty of the department under RCW 10.70.140."

The President declared the question before the Senate to be the adoption of floor amendment no. 322 by Senators Darneille and Saldaña on page 39, line 33 to floor striking amendment no. 295.

The motion by Senator Darneille carried and floor amendment no. 322 was adopted by voice vote.

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

The President declared the question before the Senate to be the adoption of floor striking amendment no. 295 by Senator Padden, as amended, to Substitute Senate Bill No. 5934.

The motion by Senator Padden carried and floor striking amendment no. 295, as amended, was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 5934 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.

Senator Pedersen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5934.

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5934 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Conway, Darneille, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5934, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:47 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

 EVENING SESSION

The Senate was called to order at 4:57 p.m. by President Habib.

MOTION

On motion of Senator Fain and without objection, under suspension of the rules the Committee on Rules was relieved of further consideration of Senate Bill No. 5605 and the bill was placed on the second reading calendar.

MOTION

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

MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 2163,

ENGROSSED HOUSE BILL NO. 2242,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

PARLIAMENTARY INQUIRY

Senator Baumgartner: "Thank you Mr. President. We just moved a bill out of committee without going to the ninth order, is that because we suspended the rules?"

REPLY BY THE PRESIDENT

President Habib: "That right. Senator Fain made a motion just a moment ago to suspend the rules and relieve the Rules Committee of Senate Bill No. 6605."

MOTION

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

FOURTH SUPPLEMENTAL AND FIRST READING

EHB 2163 by Representative Ormsby
AN ACT Relating to revenue.

Referred to Committee on Finance.

EHB 2242 by Representatives Sullivan, Harris, Lytton and Taylor

AN ACT Relating to funding fully the state's program of basic education by providing equitable education opportunities through reform of state and local education contributions; amending RCW 28A.150.410, 28A.400.205, 28A.400.200, 84.52.053, 84.52.0531, 84.52.0531, 28A.500.010, 28A.500.050, 84.52.065, 84.55.010, 84.52.043, 84.52.043, 84.48.080, 84.52.070, 84.55.070, 84.69.020, 84.36.381, 84.36.630, 84.52.067, 84.52.825, 79.64.110, 28A.150.200, 28A.150.260, 28A.165.005, 28A.165.015, 28A.165.055, 28A.150.390, 28A.150.392, 28A.185.020, 28A.150.1981, 28A.150.220, 28A.320.330, 28A.505.140, 28A.505.100, 28A.505.040, 28A.505.050, 28A.505.060, 41.59.935, 41.05.021, 41.05.022, 41.05.026, 41.05.050, 41.05.055, 41.05.075, 41.05.130, 41.05.143, 41.05.670, 28A.400.270, 28A.400.275, 28A.400.280, 28A.400.350, 41.56.500, 41.59.105, 48.02.210, 28A.545.030, 28A.545.070, and 28A.510.250; reenacting and amending RCW 84.48.110, 84.55.092, 41.05.011, and 41.05.120; adding new sections to chapter 28A.150 RCW; adding new sections to chapter 28A.415 RCW; adding a new section to chapter 28A.505 RCW; adding a new section to chapter 28A.500 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 43.09 RCW; adding a new section to chapter 28A.320 RCW; adding new sections to chapter 28A.400 RCW; adding new sections to chapter 41.56 RCW; adding new sections to chapter 41.59 RCW; adding a new section to chapter 41.05 RCW; creating new sections; recodifying RCW 28A.300.600, 28A.300.602, 28A.300.604, and 28A.500.050; repealing RCW 28A.500.020, 28A.500.030, 28A.150.261, 28A.400.201, 28A.415.020, 28A.415.023, 28A.415.024, and 28A.415.025; repealing 2015 c 2 s 2; repealing 2015 3rd sp.s. c 38 ss 1, 3, and 4, and 2015 c 2 ss 1, 4, and 5 (uncodified); providing effective dates; providing expiration dates; and declaring an emergency.

MOTION

On motion of Senator Fain, under suspension of the rules Engrossed House Bill No. 2163 and Engrossed House Bill No. 2242 were placed on the second reading calendar.

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:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5898,
SENATE BILL NO. 5976.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Manweller)

Protecting information obtained to develop or implement an individual health insurance market stability program.

The measure was read the second time.

MOTION

Senator Rivers moved that the following floor amendment no. 318 by Senator Rivers be adopted:

On page 2, line 35 after "2019." Insert the following:

"(7) The study conducted under this section to examine individual market stability options must be conducted one time only, and the data requested for purposes of the study must be mutually agreed on between the commissioner and the carriers."

Senators Rivers and Cleveland spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 318 by Senator Rivers on page 2, line 35 to Engrossed Substitute House Bill No. 2222.

The motion by Senator Rivers carried and floor amendment no. 318 was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 2222 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 Rivers 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. 2222 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2222 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator O'Ban

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222, 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

HOUSE BILL NO. 1042, by Representatives Springer, Harris, Jinkins, Fitzgibbon, Tharinger and Sawyer

Eliminating the office of the insurance commissioner's school district or educational service district annual report.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, House Bill No. 1042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger 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. 1042.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1042 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1042, 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, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5106, by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senator O'Ban)

Clarifying obligations under the involuntary treatment act.

The bill was read on Third Reading.

MOTION

On motion of Senator O'Ban, the rules were suspended and Engrossed Substitute Senate Bill No. 5106 was returned to second reading for the purpose of amendment.

MOTION

Senator O'Ban moved that the following striking floor amendment no. 320 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"Part One – Joel's Law Amendments

Sec. 807. RCW 71.05.201 and 2016 c 107 s 1 are each amended to read as follows:

(1) If a designated mental health professional decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated mental health professional received a request for investigation and the designated mental health professional has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated mental health professional investigation or the request for a designated mental health professional investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated mental health professional investigation.

(3)(a) The petition must be filed in the county in which the designated mental health professional investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated mental health professional.

((3)) (4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated mental health professional agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated mental health professional's current decision.

((4)) (5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

((5)) (6) The court shall dismiss the petition at any time if it finds that a designated mental health professional has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

((6)) (7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

((7)) (8) If the court enters an order for initial detention, it shall provide the order to the designated mental health professional agency((, which shall execute the order without delay)) and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or

emergency room determined by the designated mental health professional. The designated mental health agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated mental health professional. An order for initial detention under this section expires one hundred eighty days from issuance.

((8)) (9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

((9)) (10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 808. RCW 71.05.201 and 2016 sp.s. c 29 s 222 and 2016 c 107 s 1 are each reenacted and amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated ((mental health professional)) crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

((3)) (4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

((4)) (5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

((5)) (6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the

person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

((6)) (7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

((7)) (8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency((, which shall execute the order without delay)) and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

((8)) (9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

((9)) (10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 809. RCW 71.05.203 and 2015 c 258 s 3 are each amended to read as follows:

(1) The department and each ((regional support network)) behavioral health organization or agency employing designated mental health professionals shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated mental health professional or designated mental health professional agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated mental health professional decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated mental health professional has not taken action to have the person detained, the designated mental health professional or designated mental health professional agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201 and, to the extent feasible, provide the immediate family member, guardian, or conservator with written or electronic information about the petition process. If provision of written or electronic information is not feasible, the designated mental health professional or designated mental health professional agency must refer the immediate family member, guardian, or conservator to a web site where published information on the petition process may be accessed. The designated mental health professional or designated mental health professional agency must document the manner and date on which the information

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required under this subsection was provided to the immediate family member, guardian, or conservator.

(3) A designated mental health professional or designated mental health professional agency must, upon request, disclose the date of a designated mental health professional investigation under this chapter to an immediate family member, guardian, or conservator of a person to assist in the preparation of a petition under RCW 71.05.201.

Sec. 810. RCW 71.05.203 and 2016 sp.s. c 29 s 223 are each amended to read as follows:

(1) The department and each behavioral health organization or agency employing designated crisis responders shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated crisis responder or designated crisis responder agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated crisis responder decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated crisis responder has not taken action to have the person detained, the designated crisis responder or designated crisis responder agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201 and, to the extent feasible, provide the immediate family member, guardian, or conservator with written or electronic information about the petition process. If provision of written or electronic information is not feasible, the designated crisis responder or designated crisis responder agency must refer the immediate family member, guardian, or conservator to a web site where published information on the petition process may be accessed. The designated crisis responder or designated crisis responder agency must document the manner and date on which the information required under this subsection was provided to the immediate family member, guardian, or conservator.

(3) A designated crisis responder or designated crisis responder agency must, upon request, disclose the date of a designated crisis responder investigation under this chapter to an immediate family member, guardian, or conservator of a person to assist in the preparation of a petition under RCW 71.05.201.

NEW SECTION. Sec. 811. By December 15, 2017, the administrative office of the courts, in collaboration with stakeholders, including but not limited to judges, prosecutors, defense attorneys, the department of social and health services, behavioral health advocates, and families, shall: (1) Develop and publish on its web site a user's guide to assist pro se litigants in the preparation and filing of a petition under RCW 71.05.201; and (2) develop a model order of detention under RCW 71.05.201 which contains an advisement of rights for the detained person.

NEW SECTION. Sec. 812. Sections 1 and 3 of this act expire April 1, 2018.

NEW SECTION. Sec. 813. Sections 2 and 4 of this act take effect April 1, 2018.

Part Two – Less Restrictive Alternative Revocations

Sec. 814. RCW 71.05.590 and 2015 c 250 s 13 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated mental health

professional, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ((if)). The agency, facility, or designated mental health professional ((determines)) must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel((,)) or advise((, or admonish)) the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated mental health professional, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or evaluation and treatment facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated mental health professional or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated mental health professional when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated mental health professional or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person

subject to a court order under this section to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment, or initiate proceedings under this subsection (4) without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated mental health professional or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated mental health professional or secretary shall ((notify the court that originally ordered commitment within two judicial days of a person's detention and)) file a revocation petition and order of apprehension and detention with the court ~~((and))~~ of the county where the person is currently located or being detained. The designated mental health professional shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ((regarding a petition for modification or revocation must be in)) is the county ((in which)) where the petition ((was)) is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated mental health professional, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 815. RCW 71.05.590 and 2016 sp.s. c 29 s 242 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ((if)). The agency, facility, or designated crisis responder ((determines)) must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel ~~((or))~~ or advise ~~((or admonish))~~ the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a

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court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate space. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall ~~((notify the court that originally ordered commitment within two judicial days of a person's detention and))~~ file a revocation petition and order of apprehension and detention with the court ~~((and))~~ of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ~~((regarding a petition for modification or revocation must be in))~~ is the county ~~((in which))~~ where the petition ~~((was))~~ is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court

must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 816. RCW 71.05.590 and 2016 sp.s. c 29 s 243 are each amended to read as follows:

(1) ~~Either an~~ agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order ~~((if)).~~ The agency, facility, or designated crisis responder ~~((determines))~~ must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel ~~((:))~~ or advise ~~((, or admonish))~~ the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility or an approved substance use disorder treatment program if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall ~~((notify the court that originally ordered commitment within two judicial days of a person's detention and))~~ file a revocation petition and order of apprehension and detention with the court ~~((and))~~ of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings ~~((regarding a petition for modification or revocation must be in))~~ is the county ((in which)) where the petition ((was)) is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Part Three – Initial Detention Investigations

Sec. 817. RCW 71.05.154 and 2013 c 334 s 1 are each amended to read as follows:

~~((A))~~ If a person subject to evaluation under RCW 71.05.150 or 71.05.153 is located in an emergency room at the time of evaluation, the designated mental health professional conducting ~~((an))~~ the evaluation ~~((of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated mental health professional))~~ shall take serious consideration of observations and opinions by an examining emergency room physician((s)), advanced registered nurse practitioner, or physician assistant in determining whether detention under this chapter is appropriate. The designated mental health professional must document ~~((the))~~ his or her consultation with ((an examining emergency room physician)) this professional, ((including)) if the professional is available, or his or her review of the ((physician's)) professional's written observations or opinions regarding whether detention of the person is appropriate.

Sec. 818. RCW 71.05.154 and 2016 sp.s. c 29 s 214 are each amended to read as follows:

~~((A))~~ If a person subject to evaluation under RCW 71.05.150 or 71.05.153 is located in an emergency room at the time of evaluation, the designated crisis responder conducting ~~((an))~~ the evaluation ~~((of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated crisis responder))~~ shall take serious consideration of observations and opinions by an examining emergency room physician((s)), advanced registered nurse practitioner, or physician assistant in determining whether detention under this chapter is appropriate. The designated crisis responder must document ~~((the))~~ his or her consultation with ((an examining emergency room physician)) this professional, ((including)) if the professional is available, or his or her review of the ((physician's)) professional's written observations or opinions regarding whether detention of the person is appropriate.

Part Four – Evaluation and Petition by Chemical Dependency Professionals

Sec. 819. RCW 70.96A.140 and 2016 sp.s. c 29 s 102 are each amended to read as follows:

(1)(a) When a designated chemical dependency specialist receives information alleging that a person presents a likelihood of serious harm or is gravely disabled as a result of ~~((chemical dependency))~~ a substance use disorder, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court, district court, or in another court permitted by court rule.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

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If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to either a designated mental health professional or an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020.

(b) If placement in a ~~((chemical dependency))~~ substance use disorder treatment program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and presents a likelihood of serious harm or is gravely disabled by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for withdrawal management, sobering services, or ~~((chemical dependency))~~ substance use disorder treatment pursuant to RCW 70.96A.110 or 70.96A.120, and is in need of a more sustained treatment program, or that the person ~~((is chemically dependent))~~ has a substance use disorder and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment.

(c) If involuntary detention is sought, the petition must state facts that support a finding of the grounds identified in (b) of this subsection and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition must state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition must state facts that support a finding of the grounds for commitment identified in (b) of this subsection and set forth the proposed less restrictive alternative.

(d)(i) The petition must be signed by:

(A) ~~((Two physicians;))~~ One physician, physician assistant, or advanced registered nurse practitioner; and

(B) ~~((One physician and a mental health professional;~~

~~(C) One physician assistant and a mental health professional;~~

or

~~(D) One psychiatric advanced registered nurse practitioner and a mental health professional.~~

~~((ii) The persons signing the petition must have examined the person))~~ One physician, physician assistant, advanced registered nurse practitioner, or designated chemical dependency specialist.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or 71.34.710, in which case the hearing shall be held within seventy-two hours of the filing of the petition ~~((: PROVIDED, HOWEVER, That))~~. ~~The ((above specified))~~ seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays ~~((: PROVIDED FURTHER, That))~~. The court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served ~~((by the designated chemical dependency specialist))~~ on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony including, if possible, the testimony, which may be telephonic, of at least one licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or ~~((mental health~~

~~professional))~~ designated chemical dependency specialist who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person ~~((is chemically dependent))~~ has a substance use disorder shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or ~~((mental health professional))~~ designated chemical dependency specialist, he or she shall be given an opportunity to be examined by a court appointed licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or other professional person qualified to provide such services. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4)(a) If, after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by a preponderance of the evidence and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interest of the person or others, it shall make an order of commitment to an approved substance use disorder treatment program. It shall not order commitment of a person unless it determines that an approved substance use disorder treatment program is available and able to provide adequate and appropriate treatment for him or her.

(b) If the court finds that the grounds for commitment have been established by a preponderance of the evidence, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment. The less restrictive order may impose treatment conditions and other conditions that are in the best interest of the respondent and others. A copy of the less restrictive order must be given to the respondent, the designated chemical dependency specialist, and any program designated to provide less restrictive treatment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. The court may not order commitment of a person to a less restrictive course of treatment unless it determines that an approved substance use disorder treatment program is

available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed to inpatient treatment under this section shall remain in the program for treatment for a period of fourteen days unless sooner discharged. A person committed to a less restrictive course of treatment under this section shall remain in the program of treatment for a period of ninety days unless sooner discharged. At the end of the fourteen-day period, or ninety-day period in the case of a less restrictive alternative to inpatient treatment, he or she shall be discharged automatically unless the program or the designated chemical dependency specialist, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days of inpatient treatment or ninety days of less restrictive alternative treatment unless sooner discharged. The petition for ninety-day inpatient or less restrictive alternative treatment must be filed with the clerk of the court at least three days before expiration of the fourteen-day period of intensive treatment.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she (~~is chemically dependent~~) has a substance use disorder and is likely to inflict physical harm on another, the program or designated chemical dependency specialist shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed (~~(-PROVIDED, That,)).~~ The court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsections (3) and (4) of this section, except that the burden of proof upon a hearing for recommitment must be proof by clear, cogent, and convincing evidence.

(7) The approved substance use disorder treatment program shall provide for adequate and appropriate treatment of a person committed to its custody on an inpatient or outpatient basis. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a (~~chemically dependent~~) person with a substance use disorder committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a (~~chemically dependent~~) person with a substance use disorder committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, designated chemical dependency specialist, or other professional person of his or her choice who is qualified to provide such services. If the person is unable to obtain a qualified person and requests an examination, the court shall employ a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, designated chemical dependency specialist, or other professional person to conduct an examination and testify on behalf of the person.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary inpatient treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived

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unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions. The grounds and procedures for revocation of less restrictive alternative treatment ordered by the court must be the same as those set forth in this section for less restrictive care arranged by an approved substance use disorder treatment program as a condition for early release.

Sec. 820. RCW 71.05.020 and 2016 sp.s. c 29 s 204 and 2016 c 155 s 1 are each reenacted and amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(5) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(6) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

(7) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

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

(13) "Designated crisis responder" means a mental health professional appointed by the behavioral health organization to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(18) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(19) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(21) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(22) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(23) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(24) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(25) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(26) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(27) "In need of assisted outpatient mental health treatment" means that a person, as a result of a mental disorder: (a) Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty-six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty-six months preceding the date of initial detention of the current commitment cycle; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation;

(28) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(29) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

(30) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(32) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(33) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(34) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(35) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(36) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

(37) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(38) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(39) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(40) "Professional person" means a mental health professional, chemical dependency professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(41) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(42) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(43) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(44) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance

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use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(45) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

(46) "Release" means legal termination of the commitment under the provisions of this chapter;

(47) "Resource management services" has the meaning given in chapter 71.24 RCW;

(48) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(49) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

(50) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(51) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(52) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(53) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(55) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential

treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(56) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 821. RCW 71.05.210 and 2016 sp.s. c 29 s 224 and 2016 c 155 s 2 are each reenacted and amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician ~~((and a mental health professional)),~~ physician assistant, or advanced registered nurse practitioner; and

(ii) One ~~((physician assistant and a))~~ mental health professional~~((or~~

~~((iii) One advanced registered nurse practitioner and a mental health)).~~ If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a chemical dependency professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or chemical dependency professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ~~((facility))~~ program, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement; however, a person may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(3) An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in

proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 822. RCW 71.05.210 and 2016 sp.s. c 29 s 225 are each amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program:

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by:

(i) One physician ~~((and a mental health professional)), physician assistant, or advanced registered nurse practitioner; and~~

(ii) One ~~((physician assistant and a))~~ mental health professional~~((or~~

~~((iii) One advanced registered nurse practitioner and a mental health professional)).~~ If the person is detained for substance use disorder evaluation and treatment, the person may be examined by a chemical dependency professional instead of a mental health professional; and

(b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional or chemical dependency professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment ~~((facility))~~ program, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement.

(3) An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 823. RCW 71.05.230 and 2016 sp.s. c 29 s 230, 2016 c 155 s 5, and 2016 c 45 s 1 are each reenacted and amended to read as follows:

A person detained or committed for seventy-two hour evaluation and treatment or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety

additional days of a less restrictive alternative to involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder or substance use disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient mental health treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The agency or facility providing intensive treatment or which proposes to supervise the less restrictive alternative is certified to provide such treatment by the department; and

(4)~~(a)~~(i) The professional staff of the agency or facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed ~~((either))~~ by:

~~((a) Two physicians))~~ (A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

~~((b))~~ (B) One physician ~~((and a)), physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional((or~~

~~((c) One physician assistant and a mental health professional; or~~

~~((d) One psychiatric advanced registered nurse practitioner and a mental health professional)).~~

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a chemical dependency professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a mental disorder or as a result of a substance use disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient mental health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained or committed person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing

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involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 824. RCW 71.05.290 and 2016 sp.s. c 29 s 235, 2016 c 155 s 6, and 2016 c 45 s 3 are each reenacted and amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2)(a)(i) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

~~((a) Two physicians)) (A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and~~

~~((b)) (B) One physician ((and a)), physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional((;~~

~~(c) One physician assistant and a mental health professional; or~~

~~(d) One psychiatric advanced registered nurse practitioner and a mental health professional)).~~

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a chemical dependency professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner.

(b) The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth any recommendations for less restrictive alternative treatment services.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated crisis responder may directly file a petition for one hundred eighty day treatment under RCW 71.05.280(3). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 825. RCW 71.05.300 and 2016 sp.s. c 29 s 236 and 2016 c 155 s 7 are each reenacted and amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated crisis responder. The designated crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if

the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, physician assistant, psychiatric advanced registered nurse practitioner, psychologist, ~~((or))~~ psychiatrist, or other professional person, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 826. RCW 71.05.360 and 2016 sp.s. c 29 s 244 and 2016 c 155 s 8 are each reenacted and amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license if the person is committed under RCW 71.05.240 or 71.05.320 for mental health treatment.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder or substance use disorder, under this chapter or any prior laws of this state dealing with mental illness or substance use disorders. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for a mental disorder or substance use disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-

two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder or substance use disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.153, no later than twelve hours after such person is admitted to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program the personnel of the facility or the designated crisis responder shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

- (a) To present evidence on his or her behalf;
- (b) To cross-examine witnesses who testify against him or her;
- (c) To be proceeded against by the rules of evidence;
- (d) To remain silent;
- (e) To view and copy all petitions and reports in the court file.

(9) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and

evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.217 or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court under RCW 71.05.217;

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney shall have the right to designate and have the court appoint a reasonably available independent physician, physician assistant, psychiatric advanced registered nurse practitioner, or ~~(licensed mental health)~~ other professional person to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert examination, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

Sec. 827. RCW 71.05.760 and 2016 sp.s. c 29 s 201 are each amended to read as follows:

(1)(a) By April 1, 2018, the department, by rule, must combine the functions of a designated mental health professional and designated chemical dependency specialist by establishing a designated crisis responder who is authorized to conduct investigations, detain persons up to seventy-two hours to the proper facility, and carry out the other functions identified in this chapter and chapter 71.34 RCW. The behavioral health

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organizations shall provide training to the designated crisis responders as required by the department.

(b)(i) To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(A) Psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or social worker;

(B) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

(C) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

(D) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional support network and granted by the department before July 1, 2001; or

(E) Person who has been granted an exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

(ii) Training must include chemical dependency training specific to the duties of a designated crisis responder, including diagnosis of substance abuse and dependence and assessment of risk associated with substance use.

(c) The department must develop a transition process for any person who has been designated as a designated mental health professional or a designated chemical dependency specialist before April 1, 2018, to be converted to a designated crisis responder. The behavioral health organizations shall provide training, as required by the department, to persons converting to designated crisis responders, which must include both mental health and chemical dependency training applicable to the designated crisis responder role.

(2)(a) The department must ensure that at least one sixteen-bed secure detoxification facility is operational by April 1, 2018, and that at least two sixteen-bed secure detoxification facilities are operational by April 1, 2019.

(b) If, at any time during the implementation of secure detoxification facility capacity, federal funding becomes unavailable for federal match for services provided in secure detoxification facilities, then the department must cease any expansion of secure detoxification facilities until further direction is provided by the legislature.

Part Five - Technical

NEW SECTION. **Sec. 828.** Section 13 of 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.

NEW SECTION. **Sec. 829.** Sections 8, 11, and 13 of this act expire April 1, 2018.

NEW SECTION. **Sec. 830.** Sections 9, 12, 14, 15, and 17 through 21 of this act take effect April 1, 2018.

NEW SECTION. **Sec. 831.** Sections 9 and 15 of this act expire July 1, 2026.

NEW SECTION. **Sec. 832.** Sections 10 and 16 of this act take effect July 1, 2026."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 71.05.201, 71.05.203, 71.05.203, 71.05.590, 71.05.590, 71.05.590, 71.05.154, 71.05.154, 70.96A.140, 71.05.210, and 71.05.760; reenacting and amending RCW 71.05.201, 71.05.020, 71.05.210, 71.05.230,

71.05.290, 71.05.300, and 71.05.360; creating a new section; providing effective dates; providing expiration dates; and declaring an emergency."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 320 by Senator O'Ban to Engrossed Substitute Senate Bill No. 5106.

The motion by Senator O'Ban carried and floor striking amendment no. 320 was adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5106 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 Second Engrossed Substitute Senate Bill No. 5106.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5106, 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, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1140, by Representatives Jenkins, Rodne and Ormsby

Extending surcharges on court filing fees for deposit in the judicial stabilization trust account to July 1, 2021.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Bill No. 1140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Pedersen 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. 1140.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1140 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Walsh, Wellman and Zeiger

Voting nay: Senators Baumgartner, Brown, Ericksen, Honeyford, Schoesler, Short, Van De Wege, Warnick and Wilson

HOUSE BILL NO. 1140, 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, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5316 with the following amendment(s): 5316.E AMH JINK H2915.1

Beginning on page 13, line 4, strike all of section 20

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

On page 28, after line 36, insert the following:

"Sec. 45. RCW 47.68.250 and 2016 c 20 s 3 are each amended to read as follows:

SECTION 40 CONFORMING AMENDMENT.

(1) Every aircraft must be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of fifteen dollars is charged for each such registration and each annual renewal thereof.

(2) Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section are the only requisites for registration of an aircraft under this section.

(3) The registration fee imposed by this section is payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and must be collected by the secretary at the time of the collection by him or her of the excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she must issue to the owner of the aircraft a certificate of registration therefor. The secretary must pay to the state treasurer the registration fees collected under this section, which registration fees must be credited to the aeronautics account (~~(in the transportation fund)~~).

(4) It is not necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary must issue certificates of registration, or such other evidences of registration or payment of fees as he or

she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

(5) The provisions of this section do not apply to:

(a) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(b) An aircraft registered under the laws of a foreign country;

(c) An aircraft that is owned by a nonresident if:

(i) The aircraft remains in this state or is based in this state, or both, for a period less than ninety days; or

(ii) The aircraft is a large private airplane as defined in RCW 82.08.215 and remains in this state for a period of ninety days or longer, but only when:

(A) The airplane is in this state exclusively for the purpose of repairs, alterations, or reconstruction, including any flight testing related to the repairs, alterations, or reconstruction, or for the purpose of continual storage of not less than one full calendar year;

(B) An employee of the facility providing these services is on board the airplane during any flight testing; and

(C) Within ninety days of the date the airplane first arrived in this state during the calendar year, the nonresident files a written statement with the department indicating that the airplane is exempt from registration under this subsection (5)(c)(ii). The written statement must be filed in a form and manner prescribed by the department and must include such information as the department requires. The department may require additional periodic verification that the airplane remains exempt from registration under this subsection (5)(c)(ii) and that written statements conform with the provisions of RCW 9A.72.085;

(d) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(e) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(f) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW; and

(g) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

(6) The secretary must be notified within thirty days of any change in ownership of a registered aircraft. The notification must contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

(7) A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, must require from an aircraft owner proof of aircraft registration as a condition of leasing or selling tiedown or hangar space for an aircraft. It is the responsibility of the lessee or purchaser to register the aircraft. Proof of registration must be provided according to the following schedule:

(a) For the purchase of tiedown or hangar space, the municipality or port district must allow the purchaser thirty days from the date of the application for purchase to produce proof of aircraft registration.

(b) For the lease of tiedown or hangar space that extends thirty days or more, the municipality or port district must allow the

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lessee thirty days to produce proof of aircraft registration from the date of the application for lease of tiedown or hangar space.

(c) For the lease of tiedown or hangar space that extends less than thirty days, the municipality or port district must allow the lessee to produce proof of aircraft registration at any point prior to the final day of the lease.

(8) The airport must work with the aviation division to assist in its efforts to register aircraft by providing information about based aircraft on an annual basis as requested by the division.

NEW SECTION. Sec. 46. Section 45 of this act expires July 1, 2021.

Sec. 47. RCW 47.68.250 and 2016 c 20 s 4 are each amended to read as follows:

SECTION 40 CONFORMING AMENDMENT.

(1) Every aircraft must be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of fifteen dollars is charged for each such registration and each annual renewal thereof.

(2) Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section are the only requisites for registration of an aircraft under this section.

(3) The registration fee imposed by this section is payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and collected by the secretary at the time of the collection by him or her of the said excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she must issue to the owner of the aircraft a certificate of registration therefor. The secretary must pay to the state treasurer the registration fees collected under this section, which registration fees must be credited to the aeronautics account (~~in the transportation fund~~).

(4) It is not necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary must issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

(5) The provisions of this section do not apply to:

(a) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(b) An aircraft registered under the laws of a foreign country;

(c) An aircraft which is owned by a nonresident and registered in another state. However, if said aircraft remains in and/or ~~((be))~~ is based in this state for a period of ninety days or longer it is not exempt under this section;

(d) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(e) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(f) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

(g) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

(6) The secretary must be notified within thirty days of any change in ownership of a registered aircraft. The notification must contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

(7) A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, must require from an aircraft owner proof of aircraft registration as a condition of leasing or selling tiedown or hangar space for an aircraft. It is the responsibility of the lessee or purchaser to register the aircraft. Proof of registration must be provided according to the following schedule:

(a) For the purchase of tiedown or hangar space, the municipality or port district must allow the purchaser thirty days from the date of the application for purchase to produce proof of aircraft registration.

(b) For the lease of tiedown or hangar space that extends thirty days or more, the municipality or port district must allow the lessee thirty days to produce proof of aircraft registration from the date of the application for lease of tiedown or hangar space.

(c) For the lease of tiedown or hangar space that extends less than thirty days, the municipality or port district must allow the lessee to produce proof of aircraft registration at any point prior to the final day of the lease.

(8) The airport must work with the aviation division to assist in its efforts to register aircraft by providing information about based aircraft on an annual basis as requested by the division.

NEW SECTION. Sec. 48. Section 47 of this act takes effect July 1, 2021.

Sec. 49. RCW 14.20.060 and 1998 c 187 s 2 are each amended to read as follows:

SECTION 40 CONFORMING AMENDMENT.

The fees set forth in RCW 14.20.050 shall be paid to the secretary. The fee for any calendar year may be paid on and after the first day of December of the preceding year. The secretary shall give appropriate receipts therefor. The fees collected under this chapter shall be credited to the aeronautics account (~~of the transportation fund~~). The secretary may prescribe requirements for the possession and exhibition of aircraft dealer's licenses and aircraft dealer's certificates.

Sec. 50. RCW 82.44.190 and 1996 c 262 s 2 are each amended to read as follows:

SECTION 40 CONFORMING AMENDMENT.

The transportation infrastructure account is hereby created in the ~~((transportation fund))~~ state treasury. Public and private entities may deposit moneys in the transportation infrastructure account from federal, state, local, or private sources. Proceeds from bonds or other financial instruments sold to finance surface transportation projects from the transportation infrastructure account shall be deposited into the account. Principal and interest payments made on loans from the transportation infrastructure account shall be deposited into the account. Moneys in the account shall be available for purposes specified in RCW 82.44.195. Expenditures from the transportation infrastructure account shall be subject to appropriation by the legislature. To the extent required by federal law or regulations promulgated by the United States secretary of transportation, the state treasurer is authorized to create separate subaccounts within the transportation infrastructure account.

Sec. 51. RCW 43.84.092 and 2017 c 290 s 8 are each amended to read as follows:

SECTION 40 CONFORMING AMENDMENT.

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, ((the drinking water assistance repayment account,)) the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the

freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, ((the transportation fund,)) the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington

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state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

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

Correct the title.

BERNARD DEAN, Chief Clerk

MOTION

Senator Fortunato moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5316.

Senator Fortunato spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fortunato that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5316.

The motion by Senator Fortunato carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5316 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5316, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5316, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 5316, as amended by the House, 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.

MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House passed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5890 with the following amendment(s): 5890-S.E2 AMH ENGR H2948.E

Strike everything after the enacting clause and insert the following:

"Sec. 52. RCW 74.13.270 and 1990 c 284 s 8 are each amended to read as follows:

(1) The legislature recognizes the need for temporary short-term relief for foster parents who care for children with emotional, mental, or physical handicaps. For purposes of this section, respite care means appropriate, temporary, short-term care for these foster children placed with licensed foster parents. The purpose of this care is to give the foster parents temporary relief from the stresses associated with the care of these foster children. The department shall design a program of respite care that will minimize disruptions to the child and will serve foster parents within these priorities, based on input from foster parents, foster parent associations, and reliable research if available.

(2)(a) For the purposes of this section, and subject to funding appropriated specifically for this purpose, short-term support shall include case aides who provide temporary assistance to foster parents as needed with the overall goal of supporting the parental efforts of the foster parents except that this assistance shall not include overnight assistance. The department shall contract with nonprofit community-based organizations in each region to establish a statewide pool of individuals to provide the support described in this subsection. These individuals shall be hired by the nonprofit community-based organization and shall have the appropriate training, background checks, and qualifications as determined by the department. Short-term support as described in this subsection shall be available to all licensed foster parents in the state as funding is available and shall be phased in by geographic region. To obtain the assistance of a case aide for this purpose, the foster parent may request the services from the nonprofit community-based organization and the nonprofit community-based organization may offer assistance to licensed foster families. If the requests for the short-term support provided in this subsection exceed the funding available, the nonprofit community-based organization shall have discretion to determine the assignment of case aides. The nonprofit community-based organization shall report all short-term support provided under this subsection to the department.

(b) Subject to funding appropriated specifically for this purpose, the Washington state institute for public policy shall prepare an outcome evaluation of the short-term support described in this subsection. The evaluation will, to the maximum extent possible, assess the impact of the short-term support services described in this subsection on the retention of foster homes and the number of placements a foster child receives while in out-of-home care as well as the return on investment to the state. The institute shall submit a preliminary report to the appropriate committees of the legislature and the governor by December 1, 2018, that describes the initial implementation of these services and descriptive statistics of the families utilizing these services. A final report shall be submitted to the appropriate committees of the legislature by June 30, 2020. At no cost to the institute, the department shall provide all data necessary to discharge this duty.

(c) Costs associated with case aides as described in this subsection shall not be included in the forecast.

(d) Pursuant to RCW 41.06.142(3), performance-based contracting under (a) of this subsection is expressly mandated by the legislature and is not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

NEW SECTION. Sec. 53. (1) No later than December 31, 2017, the department of social and health services, in consultation with stakeholders, including child placing agencies, foster parents, foster care advocates, and biological parents shall identify a system of support services to be provided to foster parents to assist foster parents in their parental efforts with foster children and a plan to implement these support services statewide, which may include contracts with community-based organizations.

(2) For the purpose of this section, "support services" shall include, but shall not be limited to, counseling, educational assistance, respite care, and hands-on assistance for children with high-risk behaviors.

(3) The department of social and health services shall submit the final plan, which shall include estimated costs to implement these support services and recommendations for implementing these support services in a phased-in manner to the appropriate committees and the legislature no later than January 15, 2018.

(4) This section expires February 1, 2018.

NEW SECTION. Sec. 54. (1) No later than December 31, 2017, the office of innovation, alignment, and accountability, in consultation with stakeholders, including child placing agencies, foster parents, foster care advocates, and biological parents shall identify a system of support services to be provided to foster parents to assist foster parents in their parental efforts with foster children and a plan to implement these support services statewide, which may include contracts with community-based organizations.

(2) For the purpose of this section, "support services" shall include, but shall not be limited to, counseling, educational assistance, respite care, and hands-on assistance for children with high-risk behaviors.

(3) The office of innovation, alignment, and accountability shall submit the final plan, which shall include estimated costs to implement these support services and recommendations for implementing these support services in a phased-in manner to the appropriate committees of the legislature no later than January 15, 2018.

(4) This section expires February 1, 2018.

NEW SECTION. Sec. 55. A new section is added to chapter 74.15 RCW to read as follows:

(1) The department shall design and implement an expedited foster licensing process.

(2) The expedited foster licensing process described in this section shall be available to individuals who:

(a) Were licensed within the last five years;

(b) Were not the subject of an adverse licensing action or a voluntary relinquishment;

(c) Seek licensure for the same residence for which he or she was previously licensed provided that any changes to family constellation since the previous license is limited to individuals leaving the family constellation; and

(d) Apply to the same agency for which he or she was previously licensed, with the understanding that the agency must be agreeable to supervise the home.

(3) The department shall make every effort to ensure that individuals qualifying for and seeking an expedited license are able to become licensed within forty days of the department receiving his or her application.

(4) The department shall only issue a foster license pursuant to this section after receiving a completed fingerprint-based background check, and may delay issuance of an expedited license solely based on awaiting the results of a background check.

(5) The department may issue a provisional expedited license pursuant to this section before completing a home study, but shall complete the home study as soon as possible after issuing a provisional expedited license.

(6) The department and its officers, agents, employees, and volunteers are not liable for injuries caused by the expedited foster licensing process.

Sec. 56. RCW 43.43.832 and 2012 c 44 s 2 and 2012 c 10 s 41 are each reenacted and amended to read as follows:

(1) The Washington state patrol identification and criminal history section shall disclose conviction records as follows:

(a) An applicant's conviction record, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian;

(b) The conviction record of an applicant for certification, upon the request of the Washington professional educator standards board;

(c) Any conviction record to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse, upon the request of a law enforcement agency, the office of the attorney general, prosecuting authority, or the department of social and health services; and

(d) A prospective client's or resident's conviction record, upon the request of a business or organization that qualifies for exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults.

(2) The secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information received pursuant to subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities provided that: For persons residing in a home that will be utilized to provide foster care for dependent youth, a criminal background check will be required for all persons aged sixteen and older and the department of social and health services may require a criminal background check for persons who are younger than sixteen in situations where it may be warranted to ensure the safety of youth in foster care;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

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(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment, including peer counseling, of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(3) The director of the department of early learning shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(4) The director of the department of early learning shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care

facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

NEW SECTION. Sec. 57. A new section is added to chapter 13.34 RCW to read as follows:

(1) Within the department's appropriations, the department shall ensure that a case review panel reviews cases involving dependent children where permanency is not achieved for children within eighteen months after being placed in out-of-home care.

(2) The case review panel shall be comprised of, at a minimum, a lead social services specialist and either the office of the family and children's ombuds or another external organization with child welfare experience.

(3) Beginning September 1, 2018, the panel shall review all cases where, after the effective date of this section, a dependent child reaches eighteen months in out-of-home placement and has not achieved permanency. This review must occur by the child's nineteenth month in out-of-home placement. At each case review, the panel must develop a plan of action, including recommended next steps for the department to take, to achieve permanency.

(4) The department is encouraged to convene the case review panel regularly to review other cases involving dependent children as needed to ensure stability and permanency is achieved and length of stay for children in out-of-home placement is reduced.

Sec. 58. RCW 74.13.031 and 2015 c 240 s 3 are each amended to read as follows:

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department and the supervising agencies shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department and supervising agencies are encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department or supervising agencies shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed.

Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department and supervising agency shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11)(a) The department and supervising agencies shall provide continued extended foster care services to nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age nineteen years.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(d) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there

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is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 (~~and 74.13.032 through~~), 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

(19) The department shall have the authority to purchase legal representation for parents of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan under chapter 26.09 or 26.26 RCW, when it is necessary for the child's safety, permanence, or well-being. This

subsection does not create an entitlement to legal representation purchased by the department and does not create judicial authority to order the department to purchase legal representation for a parent. Such determinations are solely within the department's discretion.

Sec. 59. RCW 74.13A.025 and 2013 c 23 s 210 are each amended to read as follows:

The factors to be considered by the secretary in setting the amount of any payment or payments to be made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 and in adjusting standards hereunder shall include: The size of the family including the adoptive child, the usual living expenses of the family, the special needs of any family member including education needs, the family income, the family resources and plan for savings, the medical and hospitalization needs of the family, the family's means of purchasing or otherwise receiving such care, and any other expenses likely to be needed by the child to be adopted. In setting the amount of any initial payment made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, the secretary is authorized to establish maximum payment amounts that are reasonable and allow permanency planning goals related to adoption of children under RCW 13.34.145 to be achieved at the earliest possible date. To encourage adoption of children between the ages of fourteen and eighteen, and in particular those children between the ages of fourteen and eighteen who are hard to place for adoption, the secretary is authorized to include as part of any new negotiated adoption agreement executed after the effective date of this section continued eligibility for the Washington college bound scholarship pursuant to RCW 28B.118.010.

The amounts paid for the support of a child pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 may vary from family to family and from year to year. Due to changes in economic circumstances or the needs of the child such payments may be discontinued and later resumed.

Payments under RCW 26.33.320 and 74.13A.005 through 74.13A.080 may be continued by the secretary subject to review as provided for herein, if such parent or parents having such child in their custody establish their residence in another state or a foreign jurisdiction.

In fixing the standards to govern the amount and character of payments to be made for the support of adopted children pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 and before issuing rules and regulations to carry out the provisions of RCW 26.33.320 and 74.13A.005 through 74.13A.080, the secretary shall consider the comments and recommendations of the committee designated by the secretary to advise him or her with respect to child welfare.

Sec. 60. RCW 74.13A.030 and 1996 c 130 s 2 are each amended to read as follows:

To carry out the program authorized by RCW 26.33.320 and (~~74.13.100 through 74.13.145~~) 74.13A.005 through 74.13A.080, the secretary may make continuing payments or lump sum payments of adoption support. In lieu of continuing payments, or in addition to them, the secretary may make one or more specific lump sum payments for or on behalf of a hard to place child either to the adoptive parents or directly to other persons to assist in correcting any condition causing such child to be hard to place for adoption.

Consistent with a particular child's needs, continuing adoption support payments shall include, if necessary to facilitate or support the adoption of a special needs child, an amount sufficient to remove any reasonable financial barrier to adoption as determined by the secretary under RCW (~~74.13.112~~) 74.13A.025.

After determination by the secretary of the amount of a payment or the initial amount of continuing payments, the prospective parent or parents who desire such support shall sign an agreement with the secretary providing for the payment, in the manner and at the time or times prescribed in regulations to be issued by the secretary subject to the provisions of RCW 26.33.320 and ~~((74.13.100 through 74.13.145))~~ 74.13A.005 through 74.13A.080, of the amount or amounts of support so determined.

Payments shall be subject to review as provided in RCW 26.33.320 and ~~((74.13.100 through 74.13.145))~~ 74.13A.005 through 74.13A.080.

Sec. 61. RCW 74.13A.047 and 2012 c 147 s 2 are each amended to read as follows:

(1) To ensure expenditures continue to remain within available funds as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than eighty percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection applies prospectively to adoption assistance agreements established on or after July 1, 2013, through June 30, 2017.

(2)(a) To ensure expenditures continue to remain within available funds as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than the following:

(i) For a child under the age of five, no more than eighty percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(ii) For a child aged five through nine, no more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(iii) For a child aged ten through eighteen, no more than ninety-five percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(b) This subsection applies prospectively to adoption assistance agreements established on or after the effective date of this section.

(3) The department must establish a central unit of adoption support negotiators to help ensure consistent negotiation of adoption support agreements that will balance the needs of adoptive families with the state's need to remain fiscally responsible.

~~((3))~~ (4) The department must request, in writing, that adoptive families with existing adoption support contracts renegotiate their contracts to establish lower adoption assistance payments if it is fiscally feasible for the family to do so. The department shall explain that adoption support contracts may be renegotiated as needs arise.

Sec. 62. RCW 28B.118.010 and 2015 3rd sp.s. c 36 s 8 are each amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the state need grant program in chapter 28B.92 RCW unless otherwise provided in this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter; ~~((e))~~

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of fourteen and eighteen with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2) Eligible students shall be notified of their eligibility for the Washington college bound scholarship program beginning in their seventh grade year. Students shall also be notified of the requirements for award of the scholarship.

(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a) of this section must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.

(b) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the higher education coordinating board or its successor by mail or electronically, as indicated on the form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b)(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

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

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

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

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(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

NEW SECTION. Sec. 63. A new section is added to chapter 41.04 RCW to read as follows:

(1) The foster parent shared leave pool is created to allow employees to donate leave to be used as shared leave for any employee who is a foster parent needing to care for or preparing to accept a foster child in their home. Participation in the pool shall, at all times, be voluntary on the part of the employee. The department of social and health services, in consultation with the office of financial management, shall administer the foster parent shared leave pool.

(2) Employees, as defined in RCW 41.04.655, may donate leave to the foster parent shared leave pool.

(3) An employee, as defined in RCW 41.04.655, who is also a foster parent licensed pursuant to RCW 74.15.040 may request shared leave from the foster parent shared leave pool.

(4) Shared leave under this section may not be granted unless the pool has a sufficient balance to fund the requested shared leave.

(5) Shared leave paid under this section must not exceed the level of the employee's state monthly salary.

(6) Any leave donated must be removed from the personally accumulated leave balance of the employee donating the leave.

(7) An employee who receives shared leave from the pool is not required to recontribute such leave to the pool, except as otherwise provided in this section.

(8) Leave that may be donated or received by any one employee shall be calculated as in RCW 41.04.665.

(9) As used in this section, "monthly salary" includes monthly salary and special pay and shift differential, or the monthly

equivalent for hourly employees. "Monthly salary" does not include:

- (a) Overtime pay;
- (b) Call back pay;
- (c) Standby pay; or
- (d) Performance bonuses.

(10) The office of financial management, in consultation with the department of social and health services, shall adopt rules and policies governing the donation and use of shared leave from the foster parent shared leave pool, including definitions of pay and allowances and guidelines for agencies to use in recordkeeping concerning shared leave.

(11) Agencies must investigate any alleged abuse of the foster parent shared leave pool and on a finding of wrongdoing, the employee may be required to repay all of the shared leave received from the foster parent shared leave pool.

(12) Higher education institutions shall adopt policies consistent with the needs of the employees under their respective jurisdictions.

NEW SECTION. Sec. 64. A new section is added to chapter 43.06 RCW to read as follows:

Within the office of the governor's appropriations, the governor shall regularly acknowledge the contributions of foster parents to the state of Washington with, at a minimum, a letter signed by the governor. The department of social and health services shall provide to the office of the governor all data necessary to discharge this duty.

NEW SECTION. Sec. 65. A new section is added to chapter 74.13 RCW to read as follows:

(1) The child welfare system improvement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended solely for the following: (a) Foster home licensing; (b) achieving permanency for children; (c) support and assistance provided to foster parents in order to improve foster home retention and stability of placements; (d) improving and increasing placement options for youth in out-of-home care; and (e) preventing out-of-home placement.

(2) Revenues to the child welfare system improvement account consist of: (a) Legislative appropriations; and (b) any other public or private funds appropriated to or deposited in the account.

NEW SECTION. Sec. 66. RCW 74.13.107 (Child and family reinvestment account—Methodology for calculating savings resulting from reductions in foster care caseloads and per capita costs) and 2013 c 332 s 12 & 2012 c 204 s 2 are each repealed.

NEW SECTION. Sec. 67. RCW 74.12.037 (Income eligibility—Unearned income exemption) and 2014 c 75 s 1 & 2011 1st sp.s. c 42 s 4 are each repealed, effective July 1, 2018.

NEW SECTION. Sec. 68. The following acts or parts of acts are repealed:

(1) RCW 43.131.415 (Child and family reinvestment account and methodology for calculating savings—Termination) and 2012 c 204 s 4; and

(2) RCW 43.131.416 (Child and family reinvestment account and methodology for calculating savings—Repeal) and 2013 c 332 s 13 & 2012 c 204 s 5.

NEW SECTION. Sec. 69. Any residual balance of funds remaining in the child and family reinvestment account repealed by section 17 of this act must be transferred to the general fund.

NEW SECTION. Sec. 70. Pursuant to RCW 41.06.142(3), the competitive procurement process and contract provisions in this act are expressly mandated by the legislature and are not subject to the processes of RCW 41.06.142 (1), (4), and (5).

NEW SECTION. Sec. 71. Section 17 of 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 June 30, 2017.

NEW SECTION. Sec. 72. Section 18 of 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 July 1, 2017.

NEW SECTION. Sec. 73. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 74. If any part of this act is found to be in conflict with P.L. 95-608 Indian Child Welfare Act of 1978 or federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements of P.L. 95-608 Indian Child Welfare Act of 1978 and federal requirements that are a necessary condition to the receipt of federal funds by the state.

Sec. 75. RCW 26.44.030 and 2017 c 118 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, state family and children's ombuds or any volunteer in the ombuds's office, or host home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal

government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11 and 13 RCW and this title, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is

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received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Poses a risk of "imminent harm" consistent with the definition provided in RCW 13.34.050, which includes, but is not limited to, sexual abuse and sexual exploitation as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW, or by the department of early learning.

(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(12)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW

26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(13) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report; however, upon parental agreement, the family assessment response period may be extended up to ninety days;

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian (~~sign an agreement~~) agree to participate in services before services are initiated (~~that~~). The department shall inform(s) the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not (~~sign the consent form~~) agree to participate in services.

(14)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the association shall consult with the department and the Washington association of sheriffs and police chiefs.

(15) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(16) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(17)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(19) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(20) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(21) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian.

(22) The department shall make available on its public web site a downloadable and printable poster that includes the reporting requirements included in this section. The poster must be no smaller than eight and one-half by eleven inches with all information on one side. The poster must be made available in both the English and Spanish languages. Organizations that include employees or volunteers subject to the reporting requirements of this section must clearly display this poster in a common area. At a minimum, this poster must include the following:

- (a) Who is required to report child abuse and neglect;
- (b) The standard of knowledge to justify a report;
- (c) The definition of reportable crimes;
- (d) Where to report suspected child abuse and neglect; and
- (e) What should be included in a report and the appropriate timing.

NEW SECTION. Sec. 76. (1) The department of social and health services, with technical consultation from the caseload forecast council and associated technical work groups, shall review the forecasts of licensed foster care to ensure that all youth in licensed foster care are included in the caseload forecast and that maintenance level costs associated with these youth, not including costs associated with behavioral rehabilitation services, are accurately calculated.

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(2) The department of social and health services shall submit a report detailing their findings and any recommendations associated with this review to the governor and the appropriate committees of the legislature no later than December 1, 2017.

(3) This section expires January 1, 2018.

NEW SECTION. Sec. 77. Section 2 of this act takes effect only if neither Second Engrossed Second Substitute House Bill No. 1661 (including any later amendments or substitutes) nor Substitute Senate Bill No. 5498 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.

NEW SECTION. Sec. 78. Section 3 of this act takes effect only if Second Engrossed Second Substitute House Bill No. 1661 (including any later amendments or substitutes) or Substitute Senate Bill No. 5498 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.

NEW SECTION. Sec. 79. APPROPRIATIONS FOR THE OFFICE OF CIVIL LEGAL AID. (1) The sums of \$648,000 from the state general fund for fiscal year 2018 and \$648,000 from the state general fund for fiscal year 2019, or so much thereof as may be necessary, are each appropriated to the office of civil legal aid and are provided solely for the office to provide legal representation for foster children in two counties at the initial shelter care hearing in dependency proceedings prior to termination of parental rights in conjunction with the research assessment authorized in subsection (2) of this section.

(2)(a) The sum of \$75,000, or so much thereof as may be necessary, is appropriated from the state general fund for fiscal year 2019 to the office of civil legal aid and is provided solely for the office to contract with the Washington state center for court research for a statistically reliable assessment of differential outcomes in dependency proceedings prior to termination of parental rights. The assessment must involve a randomized control test or other appropriate research methodology. The center may engage or otherwise associate with other researcher organizations, as appropriate, to help with data design, collection, and analysis. The assessment must compare impacts and outcomes for foster children who receive standards-based legal representation to those who are not represented by an attorney before termination of parental rights. The assessment must focus on dependent children in Grant, Lewis, Douglas, and Whatcom counties. The assessment must quantify differentials, if any, between the experience of children who are represented in the dependency proceeding and those who are not in relation to the following:

- (i) The time to achieve permanency and permanency outcomes; and
- (ii) Educational, social, or other relevant child welfare indicators as determined relevant by the center including, but not limited to, relevant child welfare indicators identified through consultation with foster children, youth, and other stakeholders involved in the research assessment.

The assessment must also identify and project cost savings to the state, if any, as a result of providing legal representation for children at the shelter care hearing.

(b) The office of the superintendent of public instruction and the children's administration or a successor agency shall provide, in compliance with the federal family education rights and privacy act, the center with necessary data including necessary personal identifiers. The office of the superintendent of public instruction shall consult with the center to ensure the validity of data elements and the interpretation of results.

(c) The Washington state center for court research shall report its initial findings to the legislature by December 31, 2019.

Subject to the availability of amounts appropriated during the 2019-2021 fiscal biennium or obtained from other sources, the center may continue the research assessment through December 31, 2021, and submit a supplemental report to the legislature. The report or reports may not include personal identifiers, or any personally identifiable information, as defined in the federal family educational rights and privacy act.

(d) The office of civil legal aid may apply for and receive grants, donations, or other contributions to help underwrite this research assessment effort."

Correct the title.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5890.

The President declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5890.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5890 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5890, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5890, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5890, as amended by the House, 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 Ericksen: "Thank you Mr. President. I just would like to take a brief moment of personal privilege on the floor. As you all know it has been kind of a crazy year for myself during the early part of the session, traveling back and forth to D.C. and doing different things. I just want to say I was gone a lot and I appreciate the job and I just want to take a moment to say thank you to the state patrol for their incredible work on this past year and also take a moment to say thank you to Whatcom County Sheriff Bill Elfo and my deputies up there. (Senator chokes up)

Just to say thanks. I appreciate everything. You were at my house a lot and you did a great job.”

MOTION

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

THIRD READING

ENGROSSED SENATE BILL NO. 5867, by 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.

The bill was read on Third Reading.

MOTION

On motion of Senator Braun, the rules were suspended and Engrossed Senate Bill No. 5867 was returned to second reading for the purposes of amendment.

MOTION

Senator Van De Wege moved that the following striking floor amendment no. 323 by Senators Braun and Van De Wege be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 80. The legislature finds that the most common form of long-term care provided to persons who are elderly, disabled, or have a developmental disability is provided by a family member in a personal residence. The legislature also finds that care provided by a family member who is chosen by the recipient is often the most appropriate form of care, allowing vulnerable individuals to remain independent while maintaining a sense of dignity and choice. The current system of medicaid services has complexities that may create obstacles for consumers who wish to be cared for by a family member and for family members who enter the system solely to provide care for their loved ones.

Therefore, the legislature intends to direct a study of the current options allowing for the delivery of medicaid personal care services by caregivers who are family members of the state's citizens who are aging, disabled, or who have a developmental disability. The legislature intends to promote more flexibility for clients to access their benefits and to reduce obstacles for clients who wish to hire family members to provide their care.

NEW SECTION. Sec. 81. (1) The joint legislative executive committee on aging and disability is directed to explore legislation that would allow family members to provide personal care services to persons with developmental disabilities, or long-term care needs under a voluntary consumer-directed medicaid service program. As part of this work, the committee must also include a discussion of consumer-directed approaches, including those approaches that allow family members of the consumer to provide care, and develop recommendations on:

- (a) Promoting consumer health, safety, and autonomy;
- (b) Ensuring adequate caregiver training and support;
- (c) Verifying the quality and appropriateness of care;
- (d) Reducing barriers for consumers who prefer to receive care from caregivers of their choosing, including family members; and

(e) Mitigating or minimizing potential liability issues that may arise in the context of consumer-directed programs.

(2) The joint legislative executive committee on aging and disability must submit a report with recommendations to the appropriate policy and fiscal committee of the legislature by July 1, 2018.

(3) This section expires July 1, 2018.

Sec. 82. RCW 74.39A.326 and 2009 c 571 s 1 are each amended to read as follows:

(1)(a) Except as provided under (b) of this subsection, the department shall not pay a home care agency licensed under chapter 70.127 RCW for in-home personal care or respite services provided under this chapter, Title 71A RCW, or chapter 74.39 RCW if the care is provided to a client by a family member of the client. To the extent permitted under federal law, the provisions of this subsection shall not apply if the family member providing care is older than the client.

(b) The department may, on a case-by-case basis based on the client's health and safety, make exceptions to (a) of this subsection to authorize payment or to provide for payment during a transition period of up to three months. Within available funds, the restrictions under (a) of this subsection do not apply when the care is provided to: (i) A client who is an enrolled member of a federally recognized Indian tribe; or (ii) a client who resides in the household of an enrolled member of a federally recognized Indian tribe.

(2) The department shall take appropriate enforcement action against a home care agency found to have charged the state for hours of service for which the department is not authorized to pay under this section, including requiring recoupment of any payment made for those hours and, under criteria adopted by the department by rule, terminating the contract of an agency that violates a recoupment requirement.

(3) For purposes of this section:

(a) "Client" means a person who has been deemed eligible by the department to receive in-home personal care or respite services.

(b) "Family member" shall be liberally construed to include, but not be limited to, a parent, child, sibling, aunt, uncle, cousin, grandparent, grandchild, grandniece, or grandnephew, or such relatives when related by marriage.

(4) The department shall adopt rules to implement this section. The rules shall not result in affecting the amount, duration, or scope of the personal care or respite services benefit to which a client may be entitled pursuant to RCW 74.09.520 or Title XIX of the federal social security act."

On page 1, line 4 of the title, after "program;" strike the remainder of the title and insert "amending RCW 74.39A.326; creating new sections; and providing an expiration date."

Senator Van De Wege spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 323 by Senators Braun and Van De Wege to Engrossed Senate Bill No. 5867.

The motion by Senator Van De Wege carried and striking floor amendment no. 323 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Second Engrossed Senate Bill No. 5867 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Braun spoke in favor of passage of the bill.

TENTH DAY, JUNE 30, 2017

2017 3RD SPECIAL SESSION

The President declared the question before the Senate to be the final passage of Second Engrossed Senate Bill No. 5867.

SECOND READING

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5867 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SECOND ENGROSSED SENATE BILL NO. 5867, 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, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5924, by Senators Fain and Keiser

Exchanging charitable, educational, penal, and reformatory institutions trust lands for community and technical college forest reserve lands.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, Senate Bill No. 5924 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5924.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5924 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Ericksen

SENATE BILL NO. 5924, 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.

SENATE BILL NO. 5947, by Senator Pearson

Concerning the Columbia river salmon and steelhead endorsement program.

MOTION

On motion of Senator Pearson, Substitute Senate Bill No. 5947 was substituted for Senate Bill No. 5947 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rivers moved that the following floor amendment no. 321 by Senator Rivers be adopted:

On page 2, line 7, after "land" strike "or to develop boat launches"

Senator Rivers spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 321 by Senator Rivers on page 2, line 7 to Substitute Senate Bill No. 5947.

The motion by Senator Rivers carried and floor amendment no. 321 was adopted by voice vote.

MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute Senate Bill No. 5947 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5947.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5947 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Honeyford

ENGROSSED SUBSTITUTE SENATE BILL NO. 5947, 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. 2242, by Representatives Sullivan, Harris, Lytton and Taylor

Funding fully the state's program of basic education by providing equitable education opportunities through reform of state and local education contributions.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following floor amendment no. 326 by Senator Baumgartner be adopted:

On page 120, after line 2, insert the following:

"**NEW SECTION. Sec. 83.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

Senator Baumgartner spoke in favor of adoption of the amendment.

Senator Braun spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 326 by Senator Baumgartner on page 120, after line 2 to Engrossed House Bill No. 2242.

The motion by Senator Baumgartner did not carry and floor amendment no. 326 was not adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed House Bill No. 2242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun, Rolfes, Hobbs, Rivers, Billig, Zeiger, Baumgartner and Miloscia spoke in favor of passage of the bill.

Senators Kuderer, Pedersen, Chase and 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. 2242.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2242 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Conway, Darneille, Erickson, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Keiser, King, Miloscia, Mullet, O'Ban, Pearson, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Chase, Cleveland, Frockt, Hasegawa, Hunt, Kuderer, Liias, McCoy, Nelson, Padden, Palumbo, Pedersen, Saldaña, Short, Van De Wege and Wellman

ENGROSSED HOUSE BILL NO. 2242, 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, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5883,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

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

SUBSTITUTE SENATE BILL NO. 5883.

MOTION

At 6:48 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

EVENING SESSION

The Senate was called to order at 7:26 p.m. by President Habib.

MOTION

On motion of Senator Fain, House Bill No. 1406 which had been previously held at the desk on June 30, 2017 was placed on the second reading calendar.

MOTION

At 7:27 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 8:01 p.m. by President Habib.

MESSAGES FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1042,
HOUSE BILL NO. 1140,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1597,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1777,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 30, 2017

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222, and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5898, SENATE BILL NO. 5976, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5883, and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 30, 2017

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5106, ENGROSSED SUBSTITUTE SENATE BILL NO. 5947, and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5605, by Senators Walsh and Billig

Aligning the office of the superintendent of public instruction's background check authority with that of the department of early learning.

MOTIONS

On motion of Senator Walsh, Substitute Senate Bill No. 5605 was substituted for Senate Bill No. 5605 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Walsh, the rules were suspended, Substitute Senate Bill No. 5605 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Walsh and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5605.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5605 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5605, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1341, by House Committee on Appropriations (originally sponsored by Representatives Bergquist, McCaslin, Stonier, Muri and Pollet)

Concerning professional certification for teachers and school administrators.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Second Substitute House Bill No. 1341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger, Rolfes and Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1341.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1341 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1341, 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.

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. 1042,
HOUSE BILL NO. 1140,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1597,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1777.

SECOND READING

SENATE BILL NO. 5975, by Senators Fain, Liias, Keiser, Saldaña, Miloscia, Cleveland, McCoy, Nelson, Ranker, Conway, Mullet, Hobbs, Takko, Palumbo, Pedersen and Chase

Relating to paid family and medical leave. Revised for 1st Substitute: Addressing paid family and medical leave.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5975 was substituted for Senate Bill No. 5975 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 5975 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain, Keiser, Saldaña, Miloscia, Liias, Takko, Wilson, and Conway spoke in favor of passage of the bill.

Senators Baumgartner, Angel, Padden and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5975.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5975 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Brown, Ericksen, Hawkins, Honeyford, Padden, Pearson, Rossi, Sheldon and Short

SUBSTITUTE SENATE BILL NO. 5975, 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.

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:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5947.

MOTION

At 9:04 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Majority Coalition Caucus.

Senator McCoy announced a meeting of the Democratic Caucus.

The Senate was called to order at 10:47 p.m. by President Habib.

MOTION

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

MESSAGES FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 2242,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 30, 2017

MR. PRESIDENT:

The House has passed:

SECOND ENGROSSED SENATE BILL NO. 5867,
SUBSTITUTE SENATE BILL NO. 5975,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5977, by Senator Rossi

Relating to revenue.

MOTIONS

On motion of Senator Baumgartner, Substitute Senate Bill No. 5977 was substituted for Senate Bill No. 5977 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Baumgartner, the rules were suspended, Substitute Senate Bill No. 5977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Rossi spoke in favor of passage of the bill.

Senator Ranker spoke against passage of the bill.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Fain and without objection, senators were limited to speaking but once and for no more than two minutes on each question under debate for the remainder of the day by voice vote.

MOTION

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

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

Senator Schoesler spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Braun: "Senate Rule 22 provides that a member may not vote on any question upon which he or she is 'personally or directly interested.' This bill contains a provision that reduces the B & O (Business and Occupation) tax rate for thousands of manufacturing businesses in the state. As you know, I am part owner in a manufacturing business that would see a reduction in its B & O tax rate. My question is, pursuant to Rule 22, should I abstain from voting?"

RULING BY THE PRESIDENT

President Habib: "Our Legislature is a citizen legislature, meaning that we expect that members have jobs and interests outside Olympia. We expect that some bills will touch your lives. It is my opinion that since your business is part of a very large class of businesses that will see a benefit through reduced taxes in this bill, and that this manufacturing class already exists – meaning that we are not carving out a new exemption or reduction that more narrowly benefits you or your business—your interest is not direct enough to prevent you from voting on this measure.

I would also remind you that Rule 22 also provides that every member within the bar of the Senate shall vote unless excused by a unanimous vote of the members present."

Senators Short, Mullet, Ericksen and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5977.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5977 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Cleveland, Conway, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, Keiser, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Darneille, Frockt, Hasegawa, Hunt, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes and Saldaña

SUBSTITUTE SENATE BILL NO. 5977, 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.

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:

SECOND ENGROSSED SUBSTITUTE SENATE BILL
NO. 5106,
ENGROSSED SENATE BILL NO. 5316,
SECOND ENGROSSED SUBSTITUTE SENATE BILL
NO. 5890
ENGROSSED HOUSE BILL NO. 2242.

MOTION

At 11:07 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 11:21 p.m. by President Habib.

SECOND READING

ENGROSSED HOUSE BILL NO. 2190, by Representative Ormsby

Addressing budget stabilization account transfers to the general fund. (REVISED FOR ENGROSSED: Addressing budget stabilization account transfers and appropriations.)

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed House Bill No. 2190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Ranker 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. 2190.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2190 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Carlyle, Liias and Van De Wege

ENGROSSED HOUSE BILL NO. 2190, 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.

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:

SECOND ENGROSSED SENATE BILL NO. 5867,
SUBSTITUTE SENATE BILL NO. 5975.

SECOND READING

ENGROSSED HOUSE BILL NO. 2163, by Representative Ormsby

Relating to revenue.

The measure was read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 329 by Senator Braun be adopted:

On page 8, line 17, after "rate of" strike "3.852 percent" and insert ":

- (a) 0.963 percent from January 1, 2018, through December 31, 2018;
 - (b) 1.926 percent from January 1, 2019, through December 31, 2019;
 - (c) 2.889 percent from January 1, 2020, through December 31, 2020; and
 - (d) 3.852 percent from January 1, 2021, and thereafter"
- On page 46, after line 33, insert the following:

"Part V

Public Utility Privilege Tax Distributions

Sec. 501. RCW 54.28.055 and 1986 c 189 s 1 are each amended to read as follows:

(1) After computing the tax imposed by RCW 54.28.025(1), the department of revenue ~~((shall))~~ **must** instruct the state treasurer to distribute the amount collected on the first business day of July as follows:

- (a) Fifty percent to the state general fund for the support of schools; and
- (b) Twenty-two percent to the counties, twenty-three percent to the cities, three percent to the fire protection districts, and two percent to the library districts.

(2) Each county, city, fire protection district and library district ~~((shall))~~ **must** receive a percentage of the amount for distribution to counties, cities, fire protection districts and library districts, respectively, in the proportion that the population of such district residing within the impacted area bears to the total population of all such districts residing within the impacted area. For the purposes of this chapter, the term "library district" includes only regional libraries ~~((as defined in RCW 27.12.010(4)))~~, rural county library districts ~~((as defined in RCW 27.12.010(5)))~~, intercounty rural library districts ~~((as defined in RCW 27.12.010(6)))~~, and island library districts ~~((as defined in RCW 27.12.010(7)))~~. The population of a library district, for purposes of such a distribution, ~~((shall))~~ **does** not include any population within the library district and the impact area that also is located within a city or town.

(3) If any distribution pursuant to subsection (1)(b) of this section cannot be made, then that share ~~((shall))~~ **must** be prorated among the state and remaining local districts.

(4) All distributions directed by this section to be made on the basis of population ~~((shall))~~ **must** be calculated in accordance with data to be provided by the office of financial management.

Sec. 502. RCW 54.28.055 and 2017 c 323 s 105 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the department of revenue must instruct the state treasurer to distribute the amount collected under RCW 54.28.025(1) on the first business day of July as follows:

- (a) Fifty percent to the state general fund for the support of schools; and
- (b) Twenty-two percent to the counties, twenty-three percent to the cities, three percent to the fire protection districts, and two percent to the library districts.

(2) Each county, city, fire protection district, and library district must receive a percentage of the amount for distribution to counties, cities, fire protection districts, and library districts, respectively, in the proportion that the population of such district residing within the impacted area bears to the total population of all such districts residing within the impacted area. For the purposes of this chapter, the term "library district" includes only regional libraries, rural county library districts, intercounty rural library districts, and island library districts as those terms are defined in RCW 27.12.010. The population of a library district, for purposes of such a distribution, does not include any population within the library district and the impact area that also is located within a city or town.

(3) Distributions under this section must be adjusted as follows:

(a) If any distribution pursuant to subsection (1)(b) of this section cannot be made, then that share must be prorated among the state and remaining local districts.

(b) The department of revenue must instruct the state treasurer to adjust distributions under this section, in whole or in part, to account for each county's, city's, fire protection district's, and library district's proportionate share of amounts previously distributed under this section and subsequently refunded to a public utility district under RCW 82.32.060.

(4) All distributions directed by this section to be made on the basis of population must be calculated in accordance with population data as last determined by the office of financial management."

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

On page 47, after line 35, insert the following:

"(5) Section 502 of this act takes effect January 1, 2018."

On page 48, after line 2, insert the following:

"NEW SECTION. **Sec. 507.** Section 501 of this act expires January 1, 2018."

On page 1, line 3 of the title, after "82.14.495," strike "and 82.14.500" and insert "82.14.500, 54.28.055, and 54.28.055"

On page 1, line 8 of the title, after "dates; providing" strike "an expiration date" and insert "expiration dates"

Senator Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 329 by Senator Braun on page 8, line 17 to Engrossed House Bill No. 2163.

The motion by Senator Braun carried and floor amendment no. 329 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed House Bill No. 2163 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 Braun and Ranker 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. 2163 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2163 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pearson, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Takko, Van De Wege, Walsh, Warnick and Wellman

Voting nay: Senators Angel, Baumgartner, Brown, Ericksen, Fortunato, Hasegawa, Honeyford, Miloscia, O'Ban, Padden, Rivers, Rossi, Sheldon, Short, Wilson and Zeiger

ENGROSSED HOUSE BILL NO. 2163, 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. 1406, by Representatives Barkis, Blake, Chandler, Fitzgibbon and Wilcox

Adjusting the surface mining funding structure.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 1406 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Sheldon 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. 1406.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1406 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Van De Wege, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Braun, Ericksen, Padden, Palumbo, Schoesler, Short and Walsh

HOUSE BILL NO. 1406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:38 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 12:00 o'clock a.m. by President Habib.

MOTION

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

MESSAGES FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1341, ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5106, ENGROSSED SENATE BILL NO. 5316, SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5890,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5947,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

PERSONAL PRIVILEGE

Senator Baumgartner: "Very quickly, I just wanted to say Senator Fain referenced the one person still watching on television, that would be my retired father, who used to be a forestry professor, who just texted me 'You all seem like nice people who must be very, very tired. Cyrus is doing a good job too.'"

REPLY BY THE PRESIDENT

President Habib: "I am resisting every urge to have that spread upon the journal, Senator Baumgartner."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224, by House Committee on Education (originally sponsored by Representatives MacEwen, Dolan, Appleton, Haler, Harris, Sells, Tarleton, J. Walsh, Santos and Doglio)

Providing flexibility in high school graduation requirements and supporting student success during the transition to a federal every student succeeds act-compliant accountability system.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute House Bill No. 2224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zeiger and Rolfes 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. 2224.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2224 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224, 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.

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:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1341,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222.

SECOND READING

SENATE BILL NO. 5965, by Senator Honeyford

Relating to the capital budget.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5965 was substituted for Senate Bill No. 5965 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following floor amendment no. 330 by Senators Frockt, Honeyford and Schoesler be adopted:

On page 81, strike everything from line 12 through line 21

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

Senators Honeyford and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 330 by Senators Frockt, Honeyford and Schoesler to Substitute Senate Bill No. 5965.

The motion by Senator Honeyford carried and floor amendment no. 330 was adopted by voice vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5965 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5965.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5965 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Liias and Palumbo

ENGROSSED SUBSTITUTE SENATE BILL NO. 5965, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:16 a.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 12:32 a.m. by President Habib.

MOTION

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

MESSAGES FROM THE HOUSE

July 1, 2017

MR. PRESIDENT:
The House has passed:

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SUBSTITUTE SENATE BILL NO. 5605,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

July 1, 2017

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5924,
SUBSTITUTE SENATE BILL NO. 5977,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

SECOND READING

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1661, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Sullivan, Dent, Senn, Muri, Kilduff, Klippert, Frame, Goodman, Ortiz-Self, Wilcox, Lovick, Hargrove, Clibborn, Lytton, Appleton, Fitzgibbon, Orwall, Kloba, Sells, Fey, Macri, Bergquist, Pollet, Hudgins, Robinson, Stanford and Slatter)

Creating the department of children, youth, and families.

The measure was read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 305 by Senator Padden be adopted:

On page 4, after line 40, insert the following:

"(11) The legislature finds that the relationship between parent and child is of paramount importance to the department of children, youth, and families. Department actions must be tailored towards maintaining parental rights and parental involvement in the life of the child. Decisions made by department employees should first prioritize the parental rights of the legal parent(s) or guardian followed secondly by what is in the best interest of the child."

On page 79, line 6, after "with" insert "parental rights."

On page 79, line 10, after "child" insert "and preservation of parental rights"

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 305 by Senator Padden on page 4, after line 40 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 305 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 306 by Senator Padden be adopted:

On page 4, after line 40, insert the following:

"(11) The legislature finds that a cohesive family dynamic is vital to the well-being of our state's children. The legislature further finds that children frequently disagree with rules, parameters, or restrictions put in place by their parents or guardians. It is the priority of the legislature and intent of this act that the department shall not interfere with parents who set rules, parameters, or restrictions related to their child's romantic preferences or lifestyle choices."

On page 75, line 32, after "(3)" insert "The court in a fact-finding hearing may not consider any information related to current or past disagreements between the child and the child's parent(s) about the child's romantic preferences and lifestyle choices or rules, parameters, and restrictions set by the parent(s) related to the child's romantic preferences or lifestyle choices."

(4)"

On page 76, line 16, after "evidence." insert "Any information related to romantic preferences or lifestyle choices by the child must be redacted from the social file prior to being considered in the fact-finding hearing."

On page 77, at the beginning of line 22, strike "(4)" and insert "~~((4))~~ (5)"

On page 107, line 4, after "the child." insert "Rules, restrictions, or parameters set by parents as a reaction to disagreements between the parents and the child related to the child's romantic preferences or lifestyle choices may not be considered abuse or neglect and may not be considered when determining abuse or neglect."

On page 109, line 6, after "9A.42.100." insert "Rules, restrictions, or parameters set by parents or disagreements between the parents and the child related to romantic preference or lifestyle choices of the child may not be considered when determining whether negligent treatment or maltreatment has occurred."

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 306 by Senator Padden on page 4, after line 40 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 306 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 311 by Senator Padden be adopted:

On page 9, line 34, after "procedure" insert "except for health and safety rules related to mandatory water and environmental testing for home-based day care providers"

On page 10, beginning on line 6, after "act" strike all material through "decisions" on line 11

On page 35, line 38, after "act" insert "except for rules related to mandatory water and environmental testing"

On page 38, line 4, after "providers." insert "The rule-making authority does not include any authority to mandate or require water testing for home day care providers."

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 311 by Senator Padden on page 9, line 34 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 311 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 312 by Senator Padden be adopted:

On page 9, line 34, after "procedure" insert ". All proposed rules must be reviewed and analyzed for potential operational cost increases on providers by the oversight board prior to submission of a preproposal inquiry for rule making. If the board determines that a proposed rule will result in a net operating cost increase for providers, the rule must be approved unanimously by the board or the board must issue a corresponding rule clarifying its obligation to reimburse the provider for cost of the rule"

On page 11, line 26, after "outcomes," insert "an analysis of new department rules, the financial and operational impact of new department rules on providers and stakeholders, and a recommendation for how to mitigate disproportionate and inequitable financial or operational impact on providers and stakeholders,"

On page 150, line 29, after "agencies;" strike "and" and insert "((and))"

On page 150, line 33, after "persons)" insert "; and (10) To consult with home-based day care providers to identify rules that have a disparate economic impact on home-based day care providers and consult with providers for how to mitigate disparate economic impact that results from department rule making. The secretary must publish a report to the department's web site including stakeholder feedback about the financial and operational impact of department rules"

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 312 by Senator Padden on page 9, line 34 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 312 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 313 by Senator Padden be adopted:

On page 10, line 27, after "(13)" insert "The oversight board for children, youth, and families shall review all new rules proposed by the department. The review shall take place before any rule becomes effective, unless the rule is adopted as an emergency rule, in which case the oversight board shall review the rule as soon as practicable. To take effect, or to remain in effect in the case of an emergency rule, the rule must be approved by a two-thirds vote of the membership of the oversight board.

(14)"

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

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 313 by Senator Padden on page 10, line 27 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 313 was not adopted by voice vote.

MOTION

Senator Padden moved that the following floor amendment no. 314 by Senator Padden be adopted:

On page 10, line 30, after "families," insert "financial and operational impact of department rules on providers, and"

On page 10, line 32, after "department." insert "The department is prohibited from issuing rules that result in a net operational cost increase for child care providers."

On page 10, line 36, after "services," insert "and equitably formulating rules with appreciation for differences in provider size and capacity,"

On page 23, line 15, after "settings" insert "appreciating that a common set of expectations and standards may not be appropriate for all early learning and child care settings as common expectations and standards may not be appropriate for home-based child care providers"

On page 27, beginning on line 15, after "agreements" strike "that do not involve a violation of health and safety standards"

On page 27, line 20, after "are" strike "not"

On page 27, line 21, after "may" insert "also"

On page 28, line 5, after "act" insert "and must include at least one home-based child care provider"

On page 28, beginning on line 26, after "rules" strike "that do not relate to health and safety standards and"

On page 37, line 27, after "families." insert "The private-public partnership shall prioritize home-based day care providers for receipt of a waiver from state agency rules."

On page 38, after line 4, insert the following:

"(3) Rules that directly or indirectly result in increased operating costs for home-based day care providers may not be proposed by the department or the secretary."

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 314 by Senator Padden on page 10, line 30 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 314 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 307 by Senator Padden on page 17, line 37 to Second Engrossed Second Substitute House Bill No. 1661 was withdrawn.

On page 17, line 37, after "has" strike "the full authority" and insert "no authority"

On page 18, line 32, after "may" insert "not"

MOTION

Senator Padden moved that the following floor amendment no. 308 by Senator Padden be adopted:

On page 19, beginning on line 22, after "department of" strike all material through "(18)" on line 23 and insert "early learning, ((and)) (18) the department of children, youth, and families, and (19)"

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On page 20, beginning on line 2, after "the" strike all material through "(18)" on line 3 and insert "director of early learning, (and) (18) the secretary of children, youth, and families, and (19)"

Beginning on page 29, line 25, strike all material through page 68, line 10

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

Beginning on page 225, line 3, strike all of section 802

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

On page 259, line 25, after "9;" insert "and"

On page 259, beginning on line 27, after "322" strike all material through "105" on line 29

Beginning on page 259, line 33, after "(2)" strike all material through "(5)" on page 260, line 1

On page 260, at the beginning of line 3, strike "(6)" and insert "(3)"

Beginning on page 260, line 4, strike all of section 821

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

On page 263, line 1, after "114," strike "and 801 through 803" and insert "801, and 802"

On page 263, beginning on line 17, after "115," strike all material through "227," on line 18

On page 263, beginning on line 18, after "513," strike all material through "803" on line 19 and insert "801, 802,"

On page 1, beginning on line 3 of the title, after "44.04.220," strike all material through "43.88.096," on line 7

On page 2, beginning on line 8 of the title, after "42.17A.705," strike all material through "43.43.832," on line 9

On page 2, beginning on line 12 of the title, after "sections;" strike all material through "43.215.909;" on line 33

On page 2, line 34 of the title, after "13.40.800," strike all material through "43.215.907,"

On page 2, line 35 of the title, after "43.20A.780," strike all material through "43.215.040" and insert "and 43.20A.850"

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 308 by Senator Padden on page 19, line 22 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 308 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 309 by Senator Padden on page 24, line 35 to Second Engrossed Second Substitute House Bill No. 1661 was withdrawn.

On page 24, line 35, after "(b)" insert "The department must convene a monthly stakeholder meeting or information session where input and comments are requested from stakeholders regarding specific language used to display and present the information described in (a) and (c) of this subsection. Language related to license determinations must be reviewed for whether it is helpful to the consumer and whether the language is too inflammatory. The single source of information must be reviewed annually by the oversight board for children, youth, and families, and any language that chills consumer use of the single source or

is unfairly inflammatory shall be removed. The department shall issue a report detailing the usefulness of the web resource and explaining instances where inflammatory language was used and then replaced on the web resource.

(c)"

On page 25, at the beginning of line 3, strike "(c)" and insert "~~((c))~~ (d)"

On page 25, at the beginning of line 6, strike "(d)" and insert "~~((d))~~ (e)"

On page 25, at the beginning of line 9, strike "(e)" and insert "~~((e))~~ (f)"

MOTION

Senator Padden moved that the following floor amendment no. 310 by Senator Padden be adopted:

On page 28, line 22, after "within" strike "ten" and insert "thirty"

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 310 by Senator Padden on page 28, line 22 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 310 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 315 by Senator Padden on page 68, line 10 to Second Engrossed Second Substitute House Bill No. 1661 was withdrawn.

On page 68, after line 10, insert the following:

"NEW SECTION. Sec. 228. (1) By November 1, 2017, the department of children, youth, and families shall complete a review of all rules relating to family day care providers that create potential costs for home day care providers.

(2) The department must reimburse licensed family day care providers for all costs incurred by the provider after January 1, 2018, in complying with department rules. Costs may be incurred before or after licensure if the cost was necessary to obtain or maintain a family day care license from the department. No reimbursement is needed if the department repeals the rule in question and provides notice to the family day care provider before the cost being incurred."

WITHDRAWAL OF AMENDMENT

On motion of Senator Padden and without objection, floor amendment no. 316 by Senator Padden on page 225, line 37 to Second Engrossed Second Substitute House Bill No. 1661 was withdrawn.

On page 225, line 37, after "families" strike "." and insert ", except that all rules adopted after July 1, 2015, are suspended pending review by the oversight board for children, youth, and families under section 101 of this act. The oversight board must affirm rules adopted between July 1, 2015, and the date of the first official meeting of the oversight board by majority vote in order for such rules to take effect.

(5)"

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

MOTION

Senator Padden moved that the following floor amendment no. 317 by Senator Padden be adopted:

On page 263, beginning on line 17, strike all of section 825 and insert the following:

"NEW SECTION. Sec. 825. Sections 104 and 115 of this act take effect July 1, 2018."

On page 263, line 22, after "July 1," strike "2019" and insert "2024"

On page 263, after line 22, insert the following:

"NEW SECTION. Sec. 827. Sections 102, 105 through 114, 201 through 227, 301 through 337, 401 through 419, 501 through 513, 801 through 803, and 805 through 822 of this act take effect July 1, 2023."

Senator Padden spoke in favor of adoption of the amendment.

Senator O'Ban spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 317 by Senator Padden on page 263, line 17 to Second Engrossed Second Substitute House Bill No. 1661.

The motion by Senator Padden did not carry and floor amendment no. 317 was not adopted by voice vote.

MOTION

On motion of Senator O'Ban, the rules were suspended, Second Engrossed Second Substitute House Bill No. 1661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban, Darneille, Walsh and Angel spoke in favor of passage of the bill.

Senators Miloscia and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute House Bill No. 1661.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1661 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Baumgartner, Ericksen, Honeyford, Miloscia, Padden, Pearson and Short

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1661, 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, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

July 1, 2017

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2243,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

FIFTH SUPPLEMENTAL AND FIRST READING

HB 2243 by Representatives McCaslin and Barkis

AN ACT Relating to the siting of schools and school facilities; and adding a new section to chapter 36.70A RCW.

MOTION

On motion of Senator Fain, under suspension of the rules House Bill No. 2243 was placed on the second reading calendar.

SIGNED BY THE PRESIDENT

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

SUBSTITUTE SENATE BILL NO. 5605,

SENATE BILL NO. 5924,

SUBSTITUTE SENATE BILL NO. 5977.

MOTION

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

SECOND READING

SENATE BILL NO. 5939, by Senators Ericksen and Palumbo

Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling.

MOTION

On motion of Senator Ericksen, Substitute Senate Bill No. 5939 was substituted for Senate Bill No. 5939 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Ericksen moved that the following floor amendment no. 324 by Senator Ericksen be adopted:

On page 27, after line 21, insert the following:

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"NEW SECTION. Sec. 10. A new section is added to chapter 80.28 RCW to read as follows:

The definitions in this section apply throughout this section and section 11 of this act unless the context clearly requires otherwise.

(1) "Community solar company" means a person, firm, or corporation, other than an electric utility or a community solar cooperative, that owns a community solar project and provides community solar project services to project participants.

(2) "Community solar project" means a solar energy system that has a direct current nameplate generating capacity that is no larger than one thousand kilowatts.

(3) "Community solar project services" means the provision of electricity generated by a community solar project, or the provision of the financial benefits associated with electricity generated by a community solar project, to multiple project participants, and may include other services associated with the use of the community solar project such as system monitoring and maintenance, warranty provisions, performance guarantees, and customer service.

(4) "Electric utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

(5) "Project participant" means a customer who enters into a lease, power purchase agreement, loan, or other financial agreement with a community solar company in order to obtain a beneficial interest in, other than direct ownership of, a community solar project.

(6) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

NEW SECTION. Sec. 11. A new section is added to chapter 80.28 RCW to read as follows:

(1) No community solar company may engage in business in this state except in accordance with the provisions of this chapter. Engaging in business as a community solar company includes advertising, soliciting, offering, or entering into an agreement to own a community solar project and provide community solar project services to electric utility customers.

(2) A community solar company must register with the commission before engaging in business in this state or applying for certification from the Washington State University extension energy program under section 6(1) of this act. Registration with the commission as a community solar company must occur on an annual basis. The registration must be on a form prescribed by the commission and contain that information as the commission may by rule require, but must include at a minimum:

(a) The name and address of the community solar company;

(b) The name and address of the community solar company's registered agent, if any;

(c) The name, address, and title of each officer or director;

(d) The community solar company's most current balance sheet;

(e) The community solar company's latest annual report, if any;

(f) A description of the services the community solar company offers or intends to offer, including financing models; and

(g) Disclosure of any pending litigation against it.

(3) As a precondition to registration, the commission may require the procurement of a performance bond or other mechanism sufficient to cover any advances or deposits the community solar company may collect from project participants or order that the advances or deposits be held in escrow or trust.

(4) The commission may deny registration to any community solar company that:

(a) Does not provide the information required by this section;

(b) Fails to provide a performance bond or other mechanism, if required;

(c) Does not possess adequate financial resources to provide the proposed service; or

(d) Does not possess adequate technical competency to provide the proposed service.

(5) The commission must take action to approve or issue a notice of hearing concerning any application for registration within thirty days after receiving the application. The commission may approve an application with or without a hearing. The commission may deny an application after a hearing.

(6) The commission may charge a community solar company an annual application fee to recover the cost of processing applications for registration under this section.

(7) The commission may adopt rules that describe the manner by which it will register a community solar company, ensure that the terms and conditions of community solar projects or community solar project services comply with the requirements of this act, establish the community solar company's responsibilities for responding to customer complaints and disputes, and adopt annual reporting requirements. In addition to the application fee authorized under subsection (6) of this section, the commission may adopt regulatory fees applicable to community solar companies pursuant to RCW 80.04.080, 80.24.010, and 80.24.020. Such fees may not exceed the cost of ensuring compliance with this chapter.

(8) The commission may suspend or revoke a registration upon complaint by any interested party, or upon the commission's own motion after notice and opportunity for hearing, when it finds that a registered community solar company or its agent has violated this chapter or the rules of the commission, or that the community solar company or its agent has been found by a court or governmental agency to have violated the laws of a state or the United States.

(9) For the purpose of ensuring compliance with this chapter, the commission may issue penalties against community solar companies for violations of this chapter as provided for public service companies pursuant to chapter 80.04 RCW.

(10) Upon request of the commission, a community solar company registered under this section must provide information about its community solar projects or community solar project services.

(11) A violation of this section constitutes an unfair or deceptive act in trade or commerce in violation of chapter 19.86 RCW, the consumer protection act. Acts in violation of this act are not reasonable in relation to the development and preservation of business, and constitute matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(12) For the purposes of RCW 19.86.170, actions or transactions of a community solar company may not be deemed otherwise permitted, prohibited, or regulated by the commission."

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

Senators Ericksen and Carlyle spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 324 by Senator Ericksen on page 27, after line 21 to Substitute Senate Bill No. 5939.

The motion by Senator Ericksen carried and floor amendment no. 324 was adopted by voice vote.

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Substitute Senate Bill No. 5939 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Palumbo spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5939.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5939 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Honeyford and Schoesler

ENGROSSED SUBSTITUTE SENATE BILL NO. 5939, 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. 2243, by Representatives McCaslin and Barkis

Concerning the siting of schools and school facilities.

The measure was read the second time.

MOTION

On motion of Senator Zeiger, the rules were suspended, House Bill No. 2243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger 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. 2243.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2243 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Conway, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña and Wellman

HOUSE BILL NO. 2243, 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

Senator Baumgartner moved that the Senate adjourn until 10:00 a.m. Saturday, July 1, 2017.

Senators Fain and Liias spoke against the motion to adjourn.

The President declared the question before the Senate to be the motion by Senator Baumgartner to adjourn until 10:00 o'clock a.m. Saturday, July 1, 2017.

The motion by Senator Baumgartner did not carry.

MOTION

At 1:31 a.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 2:25 a.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5939, and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

June 30, 2017

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:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5939.

MOTION

Senator Fain moved that the Senate adjourn until 12:00 o'clock noon Monday, July 3, 2017.

Senator Nelson spoke against the motion to adjourn.

REMARKS BY THE PRESIDENT

President Habib: "Senator Nelson, a point of personal privilege, this is actually changed in the rules that this body adopted most recently, speaks directly to your ability to, that is unique to you, to participate in the legislative process. And the motion that Senator Fain made to adjourn is a debatable motion, so if you want to discuss whatever topic that you are trying to discuss pertinent to adjournment or not adjournment, I wouldn't do it under the auspices of a point of personal privilege."

TENTH DAY, JUNE 30, 2017

2017 3RD SPECIAL SESSION

Senator Nelson again spoke against the motion to adjourn.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224,
and the same are herewith transmitted.

REMARKS BY THE PRESIDENT

NONA SNELL, Deputy Chief Clerk

President Habib: "Senator Nelson, please do not impugn motives on other senators, particularly not with respect to elections or candidacy. That is out of order."

SIGNED BY THE PRESIDENT

The President declared the question before the Senate to be the motion by Senator Fain to adjourn until 12:00 o'clock noon, Monday, July 3, 2017. The motion did not carry on a rising vote.

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:

MOTION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5965,
HOUSE BILL NO. 1406,
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1661,
ENGROSSED HOUSE BILL NO. 2163,
ENGROSSED HOUSE BILL NO. 2190,
HOUSE BILL NO. 2243.

At 2:33 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

MOTION

The Senate was called to order at 3:45 a.m. by President Habib.

Senator Fain moved that the Senate adjourn until 12:00 o'clock noon Monday, July 3, 2017.

MESSAGES FROM THE HOUSE

June 30, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5965,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1406,
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE
BILL NO. 1661,
ENGROSSED HOUSE BILL NO. 2163,
ENGROSSED HOUSE BILL NO. 2190,
HOUSE BILL NO. 2243,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

Senator Schoesler demanded that the previous question be put. The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Schoesler carried and the previous question was put by voice vote.

PARLIAMENTARY INQUIRY

Senator Frockt: "Mr. President, there was an objection prior to the motion to call the previous question. The objection was heard on the floor by the members on the floor immediately after the motion to adjourn."

REPLY BY THE PRESIDENT

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

SECOND ENGROSSED SENATE BILL NO. 5867,
SUBSTITUTE SENATE BILL NO. 5975,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

President Habib: "Senator Frockt, I did not hear anyone yell objection prior to that. Senator Liias, was that your point as well?"

REMARKS BY SENATOR LIAS

Senator Liias: "Yes Mr. President. I actually said objection, I think three times, so I am sorry I didn't yell it loud enough for you, but I did want to object to that motion and speak to the motion to adjourn."

REPLY BY THE PRESIDENT

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5605,
SENATE BILL NO. 5924,
SUBSTITUTE SENATE BILL NO. 5977,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

President Habib: "Senator Liias, would you like to state your objection to the motion? I am going to entertain the objection even though I didn't hear it. If you have an objection of a parliamentary nature would you let me know what that is?"

REMARKS BY SENATOR LIAS

June 30, 2017

MR. PRESIDENT:

The Speaker has signed:

Senator Liias: "My objection is that we have a bill I believe the Senate should take up before we adjourn. So I wanted the

opportunity to speak to the capital budget, Engrossed House Bill No. 1075, which is here before us. I wanted to make that point that we should consider the capital budget before we adjourn.”

The President again declared the question before the Senate to be, “Shall the main question be now put?”

The motion by Senator Schoesler again carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the motion by Senator Fain to adjourn until 12:00 o’clock noon Monday, July 3, 2017.

At 3:51 a.m., the motion by Senator Fain carried and the Senate was adjourned until 12:00 o’clock noon Monday, July 3, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate