

ONE HUNDRED SECOND DAY

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MORNING SESSION

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April 24, 2013

Senate Chamber, Olympia, Thursday, April 25, 2013

The Senate was called to order at 10:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell and Hatfield.

The Sergeant at Arms Color Guard consisting of Pages Lydia Simpson and Jack Pokarny, presented the Colors. Reverend Tony Irving of St. Benedict Episcopal Church of Lacey offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

April 24, 2013

EHB 1421 Prime Sponsor, Representative Tharinger: Protecting the state's interest in collecting deferred property taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Becker; Braun; Conway; Dammeier; Fraser; Hasegawa; Hatfield; Hewitt; Keiser; Kohl-Welles; Murray; Nelson, Assistant Ranking Member; Padden; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, 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 fourth order of business.

MESSAGE FROM THE HOUSE

April 24, 2013

MR. PRESIDENT:

The House concurred in the Senate amendment to:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1253 and passed the bill as amended by the Senate. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2038, and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5924 by Senator Benton

AN ACT Relating to voter-approved local transportation funding options; and adding a new section to chapter 82.80 RCW.

Referred to Committee on Transportation.

MOTION

On motion of Senator Fain, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

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

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION  
8659

By Senators McAuliffe, Hewitt, Chase, Schlicher, Eide, Kohl-Welles, Frockt, Litzow, Keiser, Ericksen, Cleveland, Becker, Rivers, and Parlette

WHEREAS, The Red Hat Society was founded in 1998 by Sue Ellen Cooper of Fullerton, California, as a social "disorganization" for women 50 years and older; and

WHEREAS, Sue Ellen Cooper was inspired by Warning, a poem by Jenny Joseph that opens with the line "When I am an old woman I shall wear purple/With a red hat that doesn't go and doesn't suit me"; and

WHEREAS, The Red Hat Society was created as a social outlet for women at least 50 years old; and

WHEREAS, Members of The Red Hat Society who are 50 years or older wear a red hat and purple attire and members younger

than 50 wear pink hats and lavender clothing until their "Reduation"; and

WHEREAS, The motto of The Red Hat Society is "Red Hatters Matter," to promote the value of older women in society and reshape the way they are viewed in today's culture; and

WHEREAS, Women of The Red Hat Society are from all areas of life: Mothers, grandmothers, homemakers, entrepreneurs, teachers, retirees, and senators, as well as women who are single, married, or widowed; and

WHEREAS, There are more than one million members of The Red Hat Society worldwide; and

WHEREAS, Leaders of individual chapters obtain the title "Queen Mum" and the members are referred to as "Red Hatters"; and

WHEREAS, April 25th is Red Hat Day nationally and at the legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate Red Hat Day and that its members celebrate womanhood by having fun; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Washington State Senate and all Washington State chapters of The Red Hat Society.

Senators McAuliffe, Chase, Ericksen, Baumgartner and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8659.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Senator Rosa Franklin who was seated at the rostrum.

#### REMARKS BY ROSA FRANKLIN

Rosa Franklin: "Thank you Mr. Lieutenant Governor and your assistant, your young assistant. I love it. As I said to the Lieutenant Governor and to everyone, I was quite comfortable up there looking down. They said 'No, you come down', and I said, 'All right, if they will tolerate me.' It is so good to see each and every one of you. Red Hat Day, it started over in the Pritchard Building and I said to our then-Majority Leader Snyder and others, 'You know, we sometimes don't have enough fun. Let's have some fun' and spoke of let's do Red Hat and went around and that's where it started and then when I go back and think Senator West was ill and was recovering and he said he looked at channel 23 and looked and said 'What in the world are they doing'? He could not imagine what we were doing? We were having fun with Red Hat Day. From that day on when I was looking at some pictures a couple nights ago and thought about I wonder whose carrying on this tradition of having some fun and was so surprised when Senator McAuliffe called and said you're doing Red Hat Day and I said, 'great.' It's so good to be here and to have our male colleagues with their Red Caps. Keep up the good work. Have fun, don't get too serious. When you really serious and don't have fun, then it's time to quit but have fun and do the work. It's good being here."

#### PERSONAL PRIVILEGE

Senator Fain: "I just wanted to thank all the members and everyone here at the Capitol who participated in the Senator Carrell bake sale and auction yesterday in the JAC Building. I wanted to let members know that through our collective efforts

we were able to raise over \$5,000 for Senator Carrell. Thank you very much. Certainly would want you to know that donations are still able to be made through Senator Carrell's LA, Michelle and that he continues to be in our thoughts and prayers during his recovery."

#### MOTION

At 10:49 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 11:50 a.m. by President Owen.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5851, by Senators Bailey, Hill and Baumgartner

Creating a defined contribution retirement plan option for public employees.

#### MOTION

On motion of Senator Bailey, Substitute Senate Bill No. 5851 was substituted for Senate Bill No. 5851 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Conway moved that the following striking amendment by Senator Conway be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The joint select committee on pension policy shall conduct a study of the possible impacts on the state retirement systems established under chapters 41.32, 41.35, 41.37, and 41.40 RCW that could result from the enactment of a defined contribution retirement savings plan option for new employees and current members of plans 2 and 3 of those retirement systems as proposed in Substitute Senate Bill No. 5851. The study shall include, but not be limited to, a review of the financial impact on the retirement systems, the impact on member and employer contribution rates, the impact on the Washington state investment board operations and investments, members' retirement income security, and on such other factors as deemed appropriate by the committee. The committee shall submit a report on the study findings to the legislature no later than December 31, 2013."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "directing the joint select committee on pension policy to evaluate the effects on existing pension plans of establishing a new defined contribution plan; and creating a new section."

Senators Conway and Hobbs spoke in favor of adoption of the striking amendment.

Senator Tom spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Conway to Substitute Senate Bill No. 5851.

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The motion by Senator Conway failed and the striking amendment was not adopted by voice vote.

#### MOTION

Senator Bailey moved that the following striking amendment by Senator Bailey be adopted:

Strike everything after the enacting clause and insert the following:

#### "PART I SHORT TITLE AND INTENT

NEW SECTION. Sec. 101. This act may be known and cited as the public employee defined contribution retirement plan act.

NEW SECTION. Sec. 102. The legislature recognizes the need for public employees, public safety employees, teachers, and school employees, to have a secure and viable retirement benefit, not only for their own financial protection, but also so that public funds are spent prudently for their intended purpose. The legislature also recognizes the need for public employers and taxpayers to have consistent and predictable pension funding obligations in support of employee retirement benefits. Therefore, it is the intent of the legislature to provide a defined contribution retirement plan option for new public employees, teachers, and school employees that uses best practices of defined contribution plans to provide opportunity and flexibility to accrue a viable retirement benefit, while providing stable funding requirements for public employers and taxpayers. These best practices include minimizing the investment risk borne by the participants, whether through lack of investment knowledge or lack of access to the full variety of investment classes, and providing a distribution option that would ensure participants do not outlive their savings.

#### PART II RETIREMENT SYSTEM

NEW SECTION. Sec. 201. This chapter applies only to members of the Washington public employees' savings plan created under this chapter.

NEW SECTION. Sec. 202. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, together with the earnings thereon.

(2)(a) "Compensation earnable" means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the internal revenue code, but excludes nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation leave, unused accumulated annual leave, or any form of severance pay.

(b) "Compensation earnable" also includes the following actual or imputed payments, which are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period is considered compensation earnable to the extent provided in this subsection (2), and the individual shall receive the equivalent service;

(ii) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(iii) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.40.038;

(iv) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670; and

(v) Compensation that a member receives for being in standby status. For the purposes of this section, a member is in standby status when not being paid for time actually worked and the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise.

(3) "Department" means the department of retirement systems created in chapter 41.50 RCW.

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

(5) "Eligible position" means any position that meets the definition of eligible position in chapters 41.32, 41.35, 41.37, and 41.40 RCW shall be considered an eligible position under this chapter.

(6) "Employee" or "employed" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. The department shall adopt rules and interpret this subsection consistent with common law.

(7)(a) "Employer" means every branch, department, agency, commission, board, and office of the state, and any political subdivision and municipal corporation of the state admitted into the retirement system, including school districts, educational service districts, and public agencies created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030. Any employer who is participating in the retirement systems established in chapters 41.32, 41.35, 41.37, and 41.40 RCW on the effective date of this section is an employer under this chapter. Any entity that becomes an employer under chapters 41.32, 41.35, 41.37, and 41.40 RCW after the effective date of this section is also an employer under this chapter.

(b) Except as otherwise specifically provided in this chapter, "employer" does not include a government contractor. For purposes of this subsection, a "government contractor" is any entity, including a partnership, limited liability company, for-profit or nonprofit corporation, or person, that provides services pursuant to a contract with an employer. The determination whether an employer-employee relationship has been established is not based on the relationship between a government contractor and an employer, but is based solely on the relationship between a government contractor's employee and an employer under this chapter.

(8) "Ineligible position" means any position that does not conform with the requirements set forth in subsection (5) of this section.

(9) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(10) "Member" means any employee included in the membership of the retirement system, as provided for in section 204 of this act.

(11) "Member account" or "member's account" means the sum of the member and employer contributions and earnings on behalf of the member.

(12) "Regular interest" means the rate the director determines.

(13) "Retirement system" means the Washington public employees' savings plan created in this chapter.

(14) "Separation from service" occurs when a person has terminated all employment with an employer. Separation from service or employment does not occur, and if claimed by an

employer or employee may be a violation of RCW 41.40.055, when an employee and employer have a written or oral agreement to resume employment with the same employer following termination. Mere expressions or inquiries about postretirement employment by an employer or employee that do not constitute a commitment to reemploy the employee after retirement are not an agreement under this subsection.

(15)(a) "Service" means periods of employment by a member in an eligible position or positions for one or more employers for which compensation earnable is paid. Time spent in standby status, whether compensated or not, is not service. Educational employees who are compensated for work in at least nine months from September to August shall be provided one year of service.

(b) Service in any state elective position is service.

(16) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(17) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(18) "State treasurer" means the treasurer of the state of Washington.

(19) "Substitute employee" means any substitute employee as defined in RCW 41.35.010 and any substitute teacher as defined in RCW 41.32.010.

(20) "Transferable plan" means the plans 2 and plans 3 of the retirement systems established under chapters 41.32, 41.34, 41.35, 41.37, and 41.40 RCW.

**NEW SECTION. Sec. 203.** A public employees' savings plan is hereby created for the employees of the state of Washington and its political subdivisions. The administration and management of the savings plan, the responsibility for making effective the provisions of this chapter, and the authority to make all rules and regulations necessary therefor are hereby vested in the department. All such rules and regulations shall be governed by the provisions of chapter 34.05 RCW. The retirement system created in this chapter shall be known as the Washington public employees' savings plan.

**NEW SECTION. Sec. 204.** Membership in the retirement system consists of:

(1) All regularly compensated employees, substitute employees, and appointive and elective officials who:

(a) Are eligible for membership in plan 2 or plan 3 of the retirement systems established under chapters 41.32, 41.35, 41.37, or 41.40 RCW;

(b) First become employed by an employer on or after July 1, 2014; and

(c) Make an irrevocable choice to become a member of the system, or become a member by default, as provided in subsection (3) of this section. However, a member may not participate in another defined contribution retirement plan or annuity retirement plan which includes an employer contribution for the same period of employment with an employer.

(2) All regularly compensated employees and appointive and elective officials employed by an employer who first established service in a transferable plan prior to July 1, 2014, and who made an irrevocable choice to transfer into the system as provided in section 206 of this act.

(3)(a) All individuals who meet the requirements of subsection (1) of this section have a period of ninety days to make an irrevocable choice to either become a member of the public employees' savings plan or to instead elect to become a member, if eligible, of plan 2 or plan 3 of a retirement system established under chapters 41.32, 41.35, 41.37, and 41.40 RCW. At the end of ninety days, if the individual has not made a choice of a retirement plan, he or she becomes a member of plan 3 of the applicable retirement system or plan 2 of the retirement system established under chapter 41.37 RCW.

(b) For administrative efficiency, until a member makes a choice or becomes a plan 3 member by default, as provided in (a) of this subsection, the member shall be reported to the department in plan 2 of the state defined benefit retirement system listed in (a) of this subsection for which they are eligible, with member and employer contributions. Upon becoming a member of the public employees' savings plan or of plan 3, all member and employer accumulated contributions will be credited to the member's account in the public employees' savings plan, subject to the vesting requirements in section 207 of this act, or in the member's plan 3 defined contribution account. If the individual becomes a member of plan 3, all service credit shall be transferred to the member's plan 3 defined benefit.

**NEW SECTION. Sec. 205.** Substitute employees may establish membership and service in the plan under the provisions of RCW 41.32.013 or 41.35.033.

**NEW SECTION. Sec. 206.** (1) Between January 1, 2015, and July 1, 2015, every member of a transferable plan employed by an employer in an eligible position has a one-time and irrevocable option to transfer to the public employees' savings plan. Contributions to this plan shall begin the first day of the pay cycle in which the employee becomes a member. Members electing this option must transfer service from each transferable plan in which the member has established service credit.

(2) Service in each transferable plan for which a transferring member has established service credit will be transferred to the public employees' savings plan on July 1, 2015. This service applies to the eligibility for vesting in employer matching contributions as provided in section 207 of this act.

(3) Retirement benefits in each transferable plan for which a transferring member has established service credit will be transferred to the public employees' savings plan and credited to member accounts in the public employees' savings plan as follows:

(a) Plan 2 members' accumulated contributions from each transferable plan 2 will be transferred on July 1, 2015, including all accrued interest as of the transfer date;

(b) Plan 3 members' member accounts from each transferable plan 3 will be transferred on July 1, 2015;

(c) An additional transfer payment from each transferable plan will be credited to qualified members' accounts in the public employees' savings plan on July 1, 2017. The transfer payment represents the employer provided portion of the member's accrued retirement benefit and is equal to the actuarial equivalent value of the member's accrued retirement benefit on June 30, 2015, as determined by the director in consultation with the state actuary, less any amounts transferred under (a) of this subsection. In no event may the additional transfer payment result in a decrease in the value of a member's account;

(d) For purposes of determining the actuarial equivalent value of the accrued benefit transferred under (c) of this subsection, the department shall include both expected future salary increases and expected future service credit for benefit eligibility purposes. However, only service credit earned as of June 30, 2015, shall be used to determine the portion of the present value of future benefits that the transferring member has accrued at the date of the transfer;

(e) The additional transfer payment provided under (c) of this subsection must be increased with regular interest, as determined by the director, for the period of time between the transfer date and the date of the additional transfer payment;

(f) To qualify for the transfer payment provided under (c) of this subsection, a transferring member must remain employed by an employer in an eligible position through July 1, 2017;

(g) Members and beneficiaries are fully vested in each amount transferred under (a), (b), (c), and (e) of this subsection when the amount is credited to the member's account in the public employees' savings plan.

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(4) Members transferring to the public employees' savings plan forfeit all service and benefits from all transferable plans and may not reestablish membership in any transferable plan.

(5) The department shall notify potentially eligible members of their option to transfer to the public employees' savings plan and shall provide estimates of the amounts potentially available for transfer to their member accounts.

**NEW SECTION. Sec. 207.** (1) Except as provided in subsection (5) of this section, a member shall contribute five percent of his or her compensation earnable until age thirty-five, and seven and one-half percent thereafter.

(2) The employer of a member shall contribute to the member's account an amount equal to eighty percent of the contributions made by a member.

(3) Members with less than five years of service are not vested in employer contributions to member accounts and the earnings on those contributions. Once members have attained five years of service, they become fully vested in the employer contributions and the earnings on those contributions. Members do not have any right to receive employer contributions or the earnings on those contributions in which they are not vested.

(4) Contributions shall begin the first day of the pay cycle in which the employee becomes a member.

(5) If required by the federal internal revenue service pursuant to a private letter ruling issued pursuant to section 213 of this act, the member contribution rate for persons who transfer to the retirement plan pursuant to section 206 of this act shall be identical to the member contribution rate they had immediately prior to transferring to the retirement plan. The employers of those members shall contribute to those members' accounts four percent of the member's compensation earnable until age thirty-five, and six percent thereafter.

**NEW SECTION. Sec. 208.** In addition to contributions made to members' accounts, employers shall make contributions to the unfunded actuarial accrued liability in plan 1 of the teachers' retirement system and plan 1 of the public employees' retirement system as follows:

(1) School districts and educational service districts shall contribute to plan 1 of the teachers' retirement system the amounts specified in RCW 41.45.060(8) (b) and (c) on earnable compensation paid to teachers as defined in RCW 41.32.010.

(2) School districts and educational service districts shall contribute to plan 1 of the public employees' retirement system the amounts specified in RCW 41.45.060(6) (b) and (c) on earnable compensation paid to classified employees as defined in RCW 41.35.010.

(3) Employers other than school districts and educational service districts shall contribute to plan 1 of the public employees' retirement system the amounts specified in RCW 41.45.060(6) (b) and (c).

**NEW SECTION. Sec. 209.** (1) Members may self-direct their investments as set forth in section 210 of this act and RCW 43.33A.190. If a member does not select investments, the member's account shall be invested in the default investment option of the retirement strategy fund that is closest to the retirement target date of the member. "Retirement strategy fund" means one of several diversified asset allocation portfolios managed by investment advisors under contract to the state investment board. The asset mix of the portfolios adjusts over time depending on a target retirement date.

(2) The department shall adopt rules that will allow members the option to roll over moneys from other tax qualified accounts into their public employees' savings plan member account. This option is subject to internal revenue service requirements for favorable tax

qualification. The department is not required to allow all roll-overs that may be permitted under internal revenue service regulations.

**NEW SECTION. Sec. 210.** (1) The state investment board has the full authority to invest all self-directed investment moneys in accordance with RCW 43.84.150 and 43.33A.140, and cumulative investment directions received pursuant to section 209 of this act and this section. In carrying out this authority the state investment board, after consultation with the department, shall provide a set of options for members to choose from for self-directed investment.

(2) All investment and operating costs of the state investment board associated with making self-directed investments shall be paid by members and recovered under procedures agreed to by the department and the state investment board pursuant to the principles set forth in RCW 43.33A.160 and 43.84.160. All other expenses caused by self-directed investment shall be paid by the member in accordance with rules established by the department. With the exception of these expenses, all earnings from self-directed investments shall accrue to the member's account.

(3)(a)(i) The department shall keep or cause to be kept full and adequate accounts and records of each individual member's account. The department shall account for and report on the investment of defined contribution assets or may enter into an agreement with the state investment board for such accounting and reporting under this chapter.

(ii) The department's duties related to individual member accounts include conducting the activities of trade instruction, settlement activities, and direction of cash movement and related wire transfers with the custodian bank and outside investment firms.

(iii) The department has sole responsibility for contracting with any recordkeepers for individual member accounts and shall manage the performance of recordkeepers under those contracts.

(b)(i) The department's duties under (a)(ii) of this subsection do not limit the authority of the state investment board to conduct its responsibilities for asset management and balancing of the defined contribution funds.

(ii) The state investment board has sole responsibility for contracting with outside investment firms to provide investment management for the defined contribution funds and shall manage the performance of investment managers under those contracts.

(c) The state treasurer shall designate and define the terms of engagement for the custodial banks.

**NEW SECTION. Sec. 211.** (1) If the member terminates employment, the balance in the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the department. A distribution from the member account shall not result in loss of service for purposes of vesting in employer contributions under section 207 of this act.

(2) If the member dies while in service, the balance of the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the department. The distribution is as follows:

(a) The distribution shall be made to the person or persons the member nominated by written designation duly executed and filed with the department;

(b) If there is no designated person or persons still living at the time of the member's death, the balance of the member's account in the retirement system shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation;

(c) If there is no surviving spouse, then to the person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department; or

(d) If there is no designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(3) The distribution under subsections (1) and (2) of this section is less:

(a) Any amount identified as owing to an obligee upon withdrawal pursuant to a court order filed under RCW 41.50.670; and

(b) Any employer contributions and the earnings on those contributions in which the member is not vested as provided for in section 207 of this act.

(4) Upon any distribution from a member account under this section, any employer contributions and the earnings on those contributions in which the member is not vested as provided for in section 207 of this act are forfeited by the member. Amounts forfeited under this subsection will be credited, under rules developed by the department, to the employers that made the contributions.

(5) The department, in consultation with the state investment board, shall adopt rules providing members and survivors an option to purchase, using funds in the member's account, an annuity from a state-administered fund. The offering of this option is subject to favorable tax determination by the internal revenue service.

**NEW SECTION. Sec. 212.** (1) Subject to subsections (2) and (3) of this section, the right of a person to an annuity or any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and is not subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, whether the same be in actual possession of the person or be deposited or loaned and shall be unassignable.

(2)(a) This section does not prohibit a beneficiary of an annuity from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and which has been approved for deduction in accordance with rules that may be adopted by the state health care authority and/or the department. This section does not prohibit a beneficiary of an annuity from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

(b) This section does not prohibit a beneficiary of an annuity from authorizing deductions from that allowance for charitable purposes on the same terms as employees and public officers under RCW 41.04.035 and 41.04.036.

(3) Subsection (1) of this section does not prohibit the department from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued by the department, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

**NEW SECTION. Sec. 213.** (1) The retirement plan created by this chapter must be administered so as to comply with the internal revenue code, Title 26 U.S.C., and specifically with plan qualification requirements imposed on governmental plans by section 401(a) of the internal revenue code. The department shall

submit a request for a private letter ruling to the federal internal revenue service to confirm that permitting persons who transfer to the retirement plan pursuant to section 206 of this act to make contributions at the rates provided in section 207(1) of this act, will not prevent the retirement plan from being a qualified plan.

(2) Any section or provision of this chapter which is susceptible to more than one construction must be interpreted in favor of the construction most likely to satisfy requirements imposed by section 401(a) of the internal revenue code.

(3) If any section or provision of this chapter is found to be in conflict with the plan qualification requirements for governmental plans in section 401(a) of the internal revenue code, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict, and such finding does not affect the operation of the remainder of this chapter.

**NEW SECTION. Sec. 214.** (1) A state board, commission, or agency, or any officer, employee, or member thereof, is not liable for any loss or deficiency resulting from member investments selected or required pursuant to section 210 (1) or (3) of this act.

(2) Neither the department, nor director or any employee, nor the state investment board, nor any officer, employee, or member thereof, is liable for any loss or deficiency resulting from a member investment in the default option pursuant to section 209 of this act or reasonable efforts to implement investment directions pursuant to section 210 (1) or (3) of this act.

(3) The state investment board, or any officer, employee, or member thereof, is not liable with respect to any declared unit valuations or crediting of rates of return, or any other exercise of powers or duties, including discretion, under section 210(2) of this act.

(4) The department, or any officer or employee thereof, is not liable for crediting rates of return which are consistent with the state investment board's declaration of unit valuations pursuant to section 210(2) of this act.

**NEW SECTION. Sec. 215.** For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family apply equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. When necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law are gender neutral, and applicable to individuals in state registered domestic partnerships.

**NEW SECTION. Sec. 216.** Sections 201 through 215 of this act constitute a new chapter in Title 41 RCW.

### **PART III CHANGES TO EXISTING RETIREMENT SYSTEMS**

**Sec. 301.** RCW 41.04.440 and 2007 c 492 s 3 are each amended to read as follows:

(1) The sole purpose of RCW 41.04.445 and 41.04.450 is to allow the members of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.35, 41.37, 41.40, 41.34, ~~41.---~~ (the new chapter created in section 216 of this act), and 43.43 RCW to enjoy the tax deferral benefits allowed under 26 U.S.C. 414(h). Chapter 227, Laws of 1984 does not alter in any manner the provisions of RCW 41.45.060, 41.45.061, and 41.45.067 which require that the member contribution rates shall be set so as to provide fifty percent of the cost of the respective retirement plans.

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(2) Should the legislature revoke any benefit allowed under 26 U.S.C. 414(h), no affected employee shall be entitled thereafter to receive such benefit as a matter of contractual right.

**Sec. 302.** RCW 41.04.445 and 2007 c 492 s 4 are each amended to read as follows:

(1) This section applies to all members who are:

(a) Judges under the retirement system established under chapter 2.10, 2.12, or 2.14 RCW;

(b) Employees of the state under the retirement system established by chapter 41.32, 41.37, 41.40, ~~41.---~~ (the new chapter created in section 216 of this act), or 43.43 RCW;

(c) Employees of school districts under the retirement system established by chapter 41.32 (~~(¶)~~), 41.40, ~~or 41.---~~ (the new chapter created in section 216 of this act) RCW, except for substitute teachers as defined by RCW 41.32.010;

(d) Employees of educational service districts under the retirement system established by chapter 41.32 (~~(¶)~~), 41.40, ~~or 41.---~~ (the new chapter created in section 216 of this act) RCW; or

(e) Employees of community college districts under the retirement system established by chapter 41.32 (~~(¶)~~), 41.40, ~~or 41.---~~ (the new chapter created in section 216 of this act) RCW.

(2) Only for compensation earned after the effective date of the implementation of this section and as provided by section 414(h) of the federal internal revenue code, the employer of all the members specified in subsection (1) of this section shall pick up only those member contributions as required under:

(a) RCW 2.10.090(1);

(b) RCW 2.12.060;

(c) RCW 2.14.090;

(d) RCW 41.32.263;

(e) RCW 41.32.350;

(f) RCW 41.40.330 (1) and (3);

(g) RCW 41.45.061 and 41.45.067;

(h) RCW 41.34.070; ~~and~~

(i) (~~RCW 43.43.300; and~~  
~~---~~) RCW 41.34.040.

(3) Only for the purposes of federal income taxation, the gross income of the member shall be reduced by the amount of the contribution to the respective retirement system picked up by the employer.

(4) All member contributions to the respective retirement system picked up by the employer as provided by this section, plus the accrued interest earned thereon, shall be paid to the member upon the withdrawal of funds or lump sum payment of accumulated contributions as provided under the provisions of the retirement systems.

(5) At least forty-five days prior to implementing this section, the employer shall provide:

(a) A complete explanation of the effects of this section to all members; and

(b) Notification of such implementation to the director of the department of retirement systems.

**Sec. 303.** RCW 41.04.450 and 2007 c 492 s 5 are each amended to read as follows:

(1) Employers of those members under chapters 41.26, 41.34, 41.35, 41.37, ~~41.---~~ (the new chapter created in section 216 of this act), and 41.40 RCW who are not specified in RCW 41.04.445 may choose to implement the employer pick up of all member contributions without exception under RCW 41.26.080(1)(a), 41.26.450, 41.40.330(1), 41.45.060, 41.45.061, and 41.45.067 and chapters 41.34, ~~and 41.---~~ (the new chapter created in section 216 of this act) RCW. If the employer does so choose, the employer and members shall be subject to the conditions and limitations of RCW 41.04.445 (3), (4), and (5) and 41.04.455.

(2) An employer exercising the option under this section may later choose to withdraw from and/or reestablish the employer pick up of member contributions only once in a calendar year following forty-five days prior notice to the director of the department of retirement systems.

**NEW SECTION. Sec. 304.** A new section is added to chapter 41.32 RCW under the subchapter heading "plan 3" to read as follows:

(1) All teachers who first become employed by an employer in an eligible position on or after July 1, 2014, must make an irrevocable choice to become a member of either the teacher's retirement system, or the public employees' savings plan established under chapter 41.--- RCW (the new chapter created in section 216 of this act). At the end of ninety days, if the employee has not made a choice, he or she becomes a member of plan 3 of the teachers' retirement system.

(2) For administrative efficiency, until a member makes a choice or becomes a plan 3 member by default, as provided in subsection (1) of this section, the member shall be reported to the department in plan 2 of the state defined benefit retirement system listed in subsection (1) of this section for which they are eligible, with member and employer contributions. Upon becoming a member of the public employees' savings plan or plan 3, all member and employer accumulated contributions shall be credited to the member's account in the public employees' savings plan, subject to the vesting requirements in section 207 of this act, or in the member's plan 3 defined contribution account. Upon becoming a member of plan 3 all service credit shall be transferred to the member's plan 3 defined benefit.

**NEW SECTION. Sec. 305.** A new section is added to chapter 41.35 RCW under the subchapter heading "plan 3" to read as follows:

(1) All classified employees who first become employed by an employer in an eligible position on or after July 1, 2014, must make an irrevocable choice to become a member of either the school employees' retirement system, or the public employees' savings plan established under chapter 41.--- RCW (the new chapter created in section 216 of this act). At the end of ninety days, if the employee has not made a choice, he or she becomes a member of plan 3 of the school employees' retirement system.

(2) For administrative efficiency, until a member makes a choice or becomes a plan 3 member by default, as provided in subsection (1) of this section, the member shall be reported to the department in plan 2 of the state defined benefit retirement system listed in subsection (1) of this section for which they are eligible, with member and employer contributions. Upon becoming a member of the public employees' savings plan or plan 3, all member and employer accumulated contributions shall be credited to the member's account in the public employees' savings plan, subject to the vesting requirements in section 207 of this act, or in the member's plan 3 defined contribution account. Upon becoming a member of plan 3 all service credit shall be transferred to the member's plan 3 defined benefit.

**NEW SECTION. Sec. 306.** A new section is added to chapter 41.37 RCW to read as follows:

(1) All public safety employees who first become employed by an employer in an eligible position on or after July 1, 2014, must make an irrevocable choice to become a member of either the public safety employees' retirement system, or the public employees' savings plan established under chapter 41.--- RCW (the new chapter created in section 216 of this act). At the end of ninety days, if the employee has not made a choice, he or she becomes a member of plan 2 of the school employees' retirement system.

(2) For administrative efficiency, until a member makes a choice or becomes a plan 2 member by default, as provided in

subsection (1) of this section, the member shall be reported to the department in plan 2 of the state defined benefit retirement system listed in subsection (1) of this section for which they are eligible, with member and employer contributions. Upon becoming a member of the public employees' savings plan, all member and employer accumulated contributions shall be credited to the member's account in the public employees' savings plan, subject to the vesting requirements in section 207 of this act.

**NEW SECTION. Sec. 307.** A new section is added to chapter 41.40 RCW under the subchapter heading "plan 3" to read as follows:

(1) All employees who first become employed by an employer in an eligible position on or after July 1, 2014, must make an irrevocable choice to become a member of either the public employees' retirement system, or the public employees' savings plan established under chapter 41.--- RCW (the new chapter created in section 216 of this act). At the end of ninety days, if the employee has not made a choice, he or she becomes a member of plan 3 of the public employees' retirement system.

(2) For administrative efficiency, until a member makes a choice or becomes a plan 3 member by default, as provided in subsection (1) of this section, the member shall be reported to the department in plan 2 of the state defined benefit retirement system listed in subsection (1) of this section for which they are eligible, with member and employer contributions. Upon becoming a member of the public employees' savings plan or plan 3, all member and employer accumulated contributions shall be credited to the member's account in the public employees' savings plan, subject to the vesting requirements in section 207 of this act, or in the member's plan 3 defined contribution account. Upon becoming a member of plan 3 all service credit shall be transferred to the member's plan 3 defined benefit.

**NEW SECTION. Sec. 308.** A new section is added to chapter 41.50 RCW to read as follows:

If the department determines that due to employer error a member of the public employees' savings plan has suffered a loss of investment return, the employer shall pay the department for credit to the member's account the amount determined by the department as necessary to correct the error.

**Sec. 309.** RCW 41.50.030 and 2011 1st sp.s. c 47 s 20 are each amended to read as follows:

(1) As soon as possible but not more than one hundred and eighty days after March 19, 1976, there is transferred to the department of retirement systems, except as otherwise provided in this chapter, all powers, duties, and functions of:

- (a) The Washington public employees' retirement system;
- (b) The Washington state teachers' retirement system;
- (c) The Washington law enforcement officers' and firefighters' retirement system;
- (d) The Washington state patrol retirement system;
- (e) The Washington judicial retirement system; and
- (f) The state treasurer with respect to the administration of the judges' retirement fund imposed pursuant to chapter 2.12 RCW.

(2) On July 1, 1996, there is transferred to the department all powers, duties, and functions of the deferred compensation committee.

(3) The department shall administer chapter 41.34 RCW.

(4) The department shall administer the Washington school employees' retirement system created under chapter 41.35 RCW.

(5) The department shall administer the Washington public safety employees' retirement system created under chapter 41.37 RCW.

(6) The department shall administer the collection of employer contributions and initial prefunding of the higher education retirement plan supplemental benefits, also referred to as the annuity or retirement income plans created under chapter 28B.10 RCW.

(7) The department shall administer the Washington public employees' savings plan created in chapter 41.--- RCW (the new chapter created in section 216 of this act).

**Sec. 310.** RCW 41.50.110 and 2011 1st sp.s. c 50 s 936 and 2011 1st sp.s. c 47 s 22 are each reenacted and amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 28B.10, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 41.--- (the new chapter created in section 216 of this act), 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 28B.10.400, 41.26.030, 41.32.010, 41.35.010, 41.37.010, section 202 of this act, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 28B.10.400, 41.26.030, 41.32.010, 41.35.010, 41.37.010, section 202 of this act, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(~~((3))~~) (4) shall be paid pursuant to subsection (1) of this section.

(7) During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 311.** RCW 43.33A.190 and 2000 c 247 s 701 are each amended to read as follows:

Pursuant to RCW 41.34.130 and section 210 of this act, the state investment board shall invest all self-directed investment moneys under the public employees' savings plan, the teachers' retirement system plan 3, the school employees' retirement system plan 3, and the public employees' retirement system plan 3 with full power to



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establish investment policy, develop investment options, and manage self-directed investment funds.

#### PART IV ADDITIONAL PROVISIONS

NEW SECTION. **Sec. 401.** This act takes effect July 1, 2014.

NEW SECTION. **Sec. 402.** The benefits provided pursuant to this act are not provided to employees as a matter of contractual right prior to July 1, 2014. The legislature retains the right to alter or abolish these benefits at any time prior to July 1, 2014."

#### MOTION

Senator Benton moved that the following amendment by Senators Benton, Hargrove and Roach to the striking amendment be adopted:

On page 5, line 19, after "Make", strike "an irrevocable choice", and insert "a choice";

On page 5, line 19, after "system", strike everything through "section" on line 21;

On page 5, line 31, after "make", strike "an irrevocable choice", and insert "a choice";

On page 6, line 20, after "one-time", strike "and irrevocable";

On page 7, on line 32, after "plan", insert "except as provided in section 216 of this act";

On page 14, after line 4, insert:

NEW SECTION. **Sec. 216.** A person who has made an election to become a member of the public employees savings plan may, if otherwise eligible, elect to transfer to membership in plan 3 of a retirement system established under chapters 41.32, 41.35, 41.37, or 41.40 RCW. A person who transfers membership under this section may establish service credit in the applicable plan 3 for periods of time in the public employees savings plan by making payment for the actuarial value of the service credit pursuant to RCW 41.50.165."

On page 14, on line 5, after "NEW SECTION.", strike "**Sec. 216.** Sections 201 through 215", and insert "**Sec. 217.** Sections 201 through 216"

On page 16, line 19, after "make", strike "an irrevocable choice", and insert "a choice";

On page 17, beginning on line 4, after "make", strike "an irrevocable choice", and insert "a choice";

On page 17, beginning on line 26, after "make", strike "an irrevocable choice", and insert "a choice";

On page 18, on line 8, after "make", strike "an irrevocable choice", and insert "a choice";

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

#### POINT OF INQUIRY

Senator Conway: "Would Senator Benton yield to a question?"

President Owen: "The Senator does not yield."

#### POINT OF INQUIRY

Senator Conway: "Would Senator Hargrove yield to a question? You know, this is the first I've seen this amendment. It came up on the bar today and my concerns here are whether the under lying bill had some internal, I. R. S. considerations, whether you could change your contribution rates mid-stream.

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I'm actually asking the sponsors of this amendment if they've checked with the Department of Retirement System to ensure that this isn't in violation of I. R. S. rules?"

Senator Hargrove: "Senator Benton apparently has checked so I will let him answer the question."

Senator Benton: "Thank you Mr. President. The answer to the question is yes, this amendment meets federal muster. I should have mentioned that in my original remarks. I apologize for leaving that out but we did check with the federal statutes, with the I. R. S., and it's in complete accordance with their guidelines. So, yes, it does reach the federal level."

Senators Roach and Conway spoke in favor of adoption of the striking amendment.

Senator Hasegawa spoke on adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Hargrove and Roach on page 5, line 19 to the striking amendment to Substitute Senate Bill No. 5851.

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Bailey as amended to Substitute Senate Bill No. 5851.

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

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

#### MOTION

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

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 41.04.440, 41.04.445, 41.04.450, 41.50.030, and 43.33A.190; reenacting and amending RCW 41.50.110; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.50 RCW; adding a new chapter to Title 41 RCW; creating new sections; and providing an effective date."

#### MOTION

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 5851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Fraser, Mullet, Hobbs, Conway and Hasegawa spoke against passage of the bill.

#### MOTION

On motion of Senator Billig, Senator Hatfield was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5851.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5851 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon, Smith and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Harper, Hasegawa, Hobbs, Keiser, Kline, Kohl-Welles, McAuliffe, Mullet, Murray, Nelson, Ranker, Rolfes, Schlicher and Shin

Excused: Senators Carrell and Hatfield

ENGROSSED SUBSTITUTE SENATE BILL NO. 5851, 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 12:30 p.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 2:30 p.m. by President Owen.

## MOTION

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

## MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5336,

and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

## MESSAGE FROM THE HOUSE

April 25, 2013

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2042,

HOUSE BILL NO. 2044,

HOUSE BILL NO. 2045,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

## MOTION

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

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Holmquist Newbry moved that Jack Eng, Gubernatorial Appointment No. 9097, be confirmed as a member of the Board of Industrial Insurance Appeals.

Senators Holmquist Newbry and Conway spoke in favor of passage of the motion.

## APPOINTMENT OF JACK ENG

The President declared the question before the Senate to be the confirmation of Jack Eng, Gubernatorial Appointment No. 9097, as a member of the Board of Industrial Insurance Appeals.

The Secretary called the roll on the confirmation of Jack Eng, Gubernatorial Appointment No. 9097, as a member of the Board of Industrial Insurance Appeals and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senators Fraser and McAuliffe

Excused: Senators Carrell and Hatfield

Jack Eng, Gubernatorial Appointment No. 9097, having received the constitutional majority was declared confirmed as a member of the Board of Industrial Insurance Appeals.

## 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 SENATE BILL NO. 5053,

SUBSTITUTE SENATE BILL NO. 5287,

SENATE BILL NO. 5337,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5551,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5577,

SUBSTITUTE SENATE BILL NO. 5601,

SENATE BILL NO. 5810,

SENATE JOINT MEMORIAL NO. 8001.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

## MOTION

Senator Eide moved that Elizabeth Baum, Gubernatorial Appointment No. 9076, be confirmed as a member of the Housing Finance Commission.

Senator Eide spoke in favor of the motion.

## APPOINTMENT OF ELIZABETH BAUM

The President declared the question before the Senate to be the confirmation of Elizabeth Baum, Gubernatorial Appointment No. 9076, as a member of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Elizabeth Baum, Gubernatorial Appointment No. 9076, as a member of the

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Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Fraser

Excused: Senators Carrell and Hatfield

Elizabeth Baum, Gubernatorial Appointment No. 9076, having received the constitutional majority was declared confirmed as a member of the Housing Finance Commission.

#### MOTION

On motion of Senator Billig, Senator Fraser was excused.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

April 22, 2013

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1183 and asks the Senate to recede therefrom. and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Ericksen moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1183.

The President declared the question before the Senate to be motion by Senator Ericksen that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1183.

The motion by Senator Ericksen carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1183 by voice vote.

#### MOTION

On motion of Senator Ericksen, the rules were suspended and Substitute House Bill No. 1183 was returned to second reading for the purpose of amendment.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1183, by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Smith, Habib, Crouse, Morrell, Magendanz, Freeman, Kochmar, Walsh, Tarleton, Dahlquist, Vick, Zeiger, Maxwell, Hudgins, Upthegrove, Ryu and Bergquist)

Regarding wireless communications structures.

The measure was read the second time.

#### MOTION

Senator Ericksen moved that the following striking amendment by Senator Ericksen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21C.0384 and 1996 c 323 s 2 are each amended to read as follows:

(1) Decisions pertaining to applications to site ~~((personal))~~ wireless service facilities are not subject to the requirements of RCW 43.21C.030(2)(c), if those facilities meet the following requirements:

~~(a)((i)) The ((facility to be sited is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school)) collocation of new equipment, removal of equipment, or replacement of existing equipment on existing or replacement structures does not substantially change the physical dimensions of such structures; or ((ii) the facility includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or a school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agricultural zone; or (iii))~~

~~(b) The siting project involves constructing a ((personal)) wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone((; and~~

~~(b) The project is not in)). This exemption does not apply to projects within a designated ((environmentally sensitive)) critical area((; and~~

~~(c) The project does not consist of a series of actions: (i) Some of which are not categorically exempt; or (ii) that together may have a probable significant adverse environmental impact)).~~

~~(2) The exemption authorized under subsection (1) of this section may only be applied to a project consisting of a series of actions when all actions in the series are categorically exempt and the actions together do not have a probable significant adverse environmental impact.~~

~~(3) The department of ecology shall adopt rules to create a categorical exemption for ((microcells and other personal)) wireless service facilities that meet the conditions set forth in subsections (1) and (2) of this section.~~

~~((3) For the purposes of this section:))~~

~~(4) By January 1, 2020, all wireless service providers granted an exemption to RCW 43.21C.030(2)(c) must provide the legislature with the number of permits issued pertaining to wireless service facilities, the number of exemptions granted under this section, and the total dollar investment in wireless service facilities between July 1, 2013, and June 30, 2019.~~

~~(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "((Personal)) Wireless services" means wireless data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.~~

~~(b) "((Personal)) Wireless service facilities" means facilities for the provision of ((personal)) wireless services.~~

~~(c) ("Microcell" means a wireless communication facility consisting of an antenna that is either: (i) Four feet in height and~~

~~with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length)) "Collocation" means the mounting or installation of equipment on an existing tower, building, or structure for the purpose of either transmitting or receiving, or both, radio frequency signals for communications purposes.~~

~~(d) "Existing structure" means any existing tower, pole, building, or other structure capable of supporting wireless service facilities.~~

~~(e) "Substantially change the physical dimensions" means:~~

~~(i) The mounting of equipment on a structure that would increase the height of the structure by more than ten percent, or twenty feet, whichever is greater; or~~

~~(ii) The mounting of equipment that would involve adding an appurtenance to the body of the structure that would protrude from the edge of the structure more than twenty feet, or more than the width of the structure at the level of the appurtenance, whichever is greater.~~

NEW SECTION. Sec. 2. The code reviser is directed to put the defined terms in RCW 43.21C.0384(5) into alphabetical order."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Ericksen to Substitute House Bill No. 1183.

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

#### MOTION

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

On page 1, line 1 of the title, after "structures;" strike the remainder of the title and insert "amending RCW 43.21C.0384; and creating a new section."

#### MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute House Bill No. 1183 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Ericksen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1183 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1183 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Eide, Ericksen, Fain, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Kline, Litzow, McAuliffe, Mullet, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon, Shin, Smith and Tom

Voting nay: Senators Chase, Conway, Darneille, Frockt, Keiser, Kohl-Welles, Murray, Nelson, Rolfes and Schlicher

Excused: Senators Carrell and Fraser

SUBSTITUTE HOUSE BILL NO. 1183 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.

#### MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5405 with the following amendment(s): 5405-S2.E AMH ROBE H2402.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the federal fostering connections to success and increasing adoptions act of 2008 provides important new opportunities to increase the impact of state funding through maximizing the amount of federal funding available to promote permanency and positive outcomes for dependent youth.

(2) The legislature also finds that children and adolescents who are legal dependents of Washington state have experienced significant trauma and loss, putting them at increased risk for poor life outcomes. Longitudinal research on the adult functioning of former foster youth indicates a disproportionate likelihood that youth aging out of foster care and those who spent several years in care will experience poor outcomes in a variety of areas, including limited human capital upon which to build economic security and inability to fully take advantage of secondary and postsecondary educational opportunities, untreated mental or behavioral health problems, involvement in the criminal justice and corrections systems, and early parenthood combined with second-generation child welfare involvement.

(3) The legislature further finds that research also demonstrates that access to adequate and appropriate supports during the period of transition from foster care to independence can have significant positive impacts on adult functioning and can improve outcomes relating to educational attainment and postsecondary enrollment, employment and earnings, and reduced rates of teen pregnancies.

Sec. 2. RCW 13.34.030 and 2011 1st sp.s. c 36 s 13 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

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

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(9) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(10) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(11) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(12) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(13) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans'

benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty- five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(14) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(15) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out- of-home placement while protecting the child.

(16) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(17) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(18) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(19) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.

(20) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(21) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

(22) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

**Sec. 3.** RCW 13.34.145 and 2011 c 330 s 6 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) When the youth is at least age seventeen years but not older than seventeen years and six months, the department shall provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access such services after he or she reaches age eighteen years.

(4) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department or supervising agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department or supervising agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department or supervising agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department or supervising agency to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

(ii) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

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(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(i) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

(ii) If the department or supervising agency is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

~~((4))~~ (5) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the supervising agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

~~((5))~~ (6) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

~~((6))~~ (7) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

~~((7))~~ (8) If the court orders the child returned home, casework supervision by the department or supervising agency shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

~~((8))~~ (9) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

~~((9))~~ (10) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection ~~((8))~~ (9) of this section are met.

~~((10))~~ (11) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department or supervising agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

~~((11))~~ (12) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court

shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

~~((12))~~ (13) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

**Sec. 4.** RCW 13.34.267 and 2012 c 52 s 4 are each amended to read as follows:

(1) In order to facilitate the delivery of extended foster care services, the court, upon the agreement of the youth to participate in the extended foster care program, shall ~~((postpone for six months the dismissal of a))~~ maintain the dependency proceeding for any ~~((child))~~ youth who is ~~((a))~~ dependent ~~((child))~~ in foster care at the age of eighteen years and who, at the time of his or her eighteenth birthday, is:

(a) Enrolled in a secondary education program or a secondary education equivalency program; ~~((or))~~

(b) Enrolled and participating in a postsecondary academic or postsecondary vocational program, or has applied for and can demonstrate that he or she intends to timely enroll in a postsecondary academic or postsecondary vocational program; or

(c) Participating in a program or activity designed to promote employment or remove barriers to employment.

(2) If the court maintains the dependency proceeding of a youth pursuant to subsection (1) of this section, the youth is eligible to receive extended foster care services pursuant to RCW 74.13.031, subject to the youth's continuing eligibility and agreement to participate.

(3) A dependent youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian must be dismissed from the dependency proceeding when the youth reaches the age of eighteen.

(4) The court shall dismiss the dependency proceeding for any youth who is a dependent in foster care and who, at the age of eighteen years, does not meet any of the criteria described in subsection (1)(a) through (c) of this section or does not agree to participate in the program.

~~((2)(a) The six month postponement under this subsection is intended to allow a reasonable window of opportunity for an eligible youth who reaches the age of eighteen to request extended foster care services from the department or supervising agency. The court shall dismiss the dependency if the youth:~~

~~(i) Has not requested extended foster care services from the department by the end of the six month period; or~~

~~(ii) Is no longer eligible for extended foster care services under RCW 74.13.031(10) at any point during the six month period.~~

~~(b) Until the youth requests to participate in the extended foster care program, the department is relieved of any supervisory responsibility for the youth.~~

~~(3) A youth who participates in extended foster care while completing a secondary education or equivalency program may continue to receive extended foster care services for the purpose of participating in a postsecondary academic or postsecondary vocational education program if, at the time the secondary education or equivalency program is completed, the youth has applied to and can demonstrate that he or she intends to timely enroll in a postsecondary academic or vocational education program. The dependency shall be dismissed if the youth fails to timely enroll or continue in the postsecondary program, or reaches age twenty-one, whichever is earlier.~~

~~(4) A youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian shall be dismissed from the dependency proceeding when the youth reaches the age of eighteen years.)~~

(5) The court shall order a youth participating in extended foster care services to be under the placement and care authority of the

department, subject to the youth's continuing agreement to participate in extended foster care services. The department may establish foster care rates appropriate to the needs of the youth participating in extended foster care services. The department's placement and care authority over a youth receiving extended foster care services is solely for the purpose of providing services and does not create a legal responsibility for the actions of the youth receiving extended foster care services.

(6) The court shall appoint counsel to represent a youth, as defined in RCW 13.34.030(2)(b), in dependency proceedings under this section.

(7) The case plan for and delivery of services to a youth receiving extended foster care services is subject to the review requirements set forth in RCW 13.34.138 and 13.34.145, and should be applied in a developmentally appropriate manner, as they relate to youth age eighteen to twenty-one years. Additionally, the court shall consider:

(a) Whether the youth is safe in his or her placement;

(b) Whether the youth continues to be eligible for extended foster care services;

(c) Whether the current placement is developmentally appropriate for the youth;

(d) The youth's development of independent living skills; and

(e) The youth's overall progress toward transitioning to full independence and the projected date for achieving such transition.

(8) Prior to the review hearing, the youth's attorney shall indicate whether there are any contested issues and may provide additional information necessary for the court's review.

~~((9) Upon the request of the youth, or when the youth is no longer eligible to receive extended foster care services according to rules adopted by the department, the court shall dismiss the dependency.))~~

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.13 RCW to read as follows:

(1) A youth who has reached age eighteen years may request extended foster care services authorized under RCW 74.13.031 at any time before he or she reaches the age of nineteen years if on or after the effective date of this section:

(a) The dependency proceeding of the youth was dismissed pursuant to RCW 13.34.267(4) at the time that he or she reached age eighteen years; or

(b) The court, after holding the dependency case open pursuant to RCW 13.34.267(1), has dismissed the case because the youth became ineligible for extended foster care services.

(2)(a) Upon a request for extended foster care services by a youth pursuant to subsection (1) of this section, a determination that the youth is eligible for extended foster care services, and the completion of a voluntary placement agreement, the department shall provide extended foster care services to the youth.

(b) In order to continue receiving extended foster care services after entering into a voluntary placement agreement with the department, the youth must agree to the entry of an order of dependency within one hundred eighty days of the date that the youth is placed in foster care pursuant to a voluntary placement agreement.

(3) A youth may enter into a voluntary placement agreement for extended foster care services only once. A youth may transition among the eligibility categories identified in RCW 74.13.031 while under the same voluntary placement agreement, provided that the youth remains eligible for extended foster care services during the transition.

(4) "Voluntary placement agreement," for the purposes of this section, means a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

**NEW SECTION. Sec. 6.** A new section is added to chapter 13.34 RCW to read as follows:

(1)(a) If a youth prior to reaching age nineteen years requests extended foster care services from the department pursuant to section 5 of this act, and the department declines to enter into a voluntary placement agreement with the youth, the department must provide written documentation to the youth which contains:

(i) The date that the youth requested extended foster care services;

(ii) The department's reasons for declining to enter into a voluntary placement agreement with the youth and the date of the department's decision; and

(iii) Information regarding the youth's right to ask the court to establish a dependency for the purpose of providing extended foster care services and his or her right to counsel to assist in making that request.

(b) The written documentation pursuant to (a) of this subsection must be provided to the youth within ten days of the department's decision not to enter into a voluntary placement agreement with the youth.

(2)(a) A youth seeking to participate in extended foster care after being declined by the department under subsection (1) of this section may file a notice of intent to file a petition for dependency, asking the court to determine his or her eligibility for extended foster care services, and to enter an order of dependency. If the youth chooses to file such notice, it must be filed within thirty days of the date of the department's decision.

(b) Upon filing the notice, the youth must be provided counsel at no cost to him or her. Upon receipt of the youth's petition, the court must set a hearing date to determine whether the petition should be granted.

**Sec. 7.** RCW 74.13.020 and 2012 c 205 s 12 are each amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;



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(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

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

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services may include ~~(, but are not limited to,)~~ placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(9) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(10) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(11) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(12) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(13) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(14) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(15) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

(16) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

**Sec. 8.** RCW 74.13.020 and 2012 c 259 s 7 and 2012 c 205 s 12 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

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

(7) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(8) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(9) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the

recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(14) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(16) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

(17) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

**Sec. 9.** RCW 74.13.031 and 2012 c 52 s 2 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) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) 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.

(6) 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.

(7) 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.

(8) The department and supervising agency shall have authority to purchase care for children.

(9) 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.

(10)(a) The department and supervising agencies shall ~~((have authority to))~~ provide continued extended foster care services to ~~((youth ages eighteen to twenty one years to participate in or complete))~~ nonminor dependents who are:

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(i) Enrolled in a secondary education program or a secondary education equivalency program~~((-or-))~~;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program; or

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment.

(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 section 5 of this act or pursuant to an order of dependency issued by the court under section 6 of this act. 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.

(11) 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 (10) of this section.

(12) 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 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.

(13) 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; and the purchase of such care 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 74.13.036, or of this section all services to be provided by the department under subsections (4), (6), and (7) 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.

(14) 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.

(15) 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.

(16) 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.

(17)(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.

**Sec. 10.** RCW 74.13.031 and 2012 c 259 s 8 and 2012 c 52 s 2 are each reenacted and 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 ~~((have authority to))~~ provide continued extended foster care services to ~~((youth ages eighteen to twenty one years to participate in or complete))~~ nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program~~((-or-))~~;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program; or

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment.

(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 section 5 of this act or pursuant to an order of dependency issued by the court under section 6 of this act. 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.

(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 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; and the purchase of such care 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 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.

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**Sec. 11.** RCW 43.88C.010 and 2012 c 217 s 3 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(10) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

**Sec. 12.** RCW 74.13.107 and 2012 c 204 s 2 are each amended to read as follows:

(1) The child and family reinvestment 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 improving outcomes related to: (a) Safely reducing entry into the foster care system and preventing reentry; (b) safely increasing reunifications; (c) achieving permanency for children unable to be

reunified; and (d) improving outcomes for youth who will age out of the foster care system. Moneys may be expended for shared savings under performance-based contracts.

(2) Revenues to the child and family reinvestment account consist of: (a) Savings to the state general fund resulting from reductions in foster care caseloads and per capita costs, as calculated and transferred into the account under this section; and (b) any other public or private funds appropriated to or deposited in the account.

(3)(a) The department of social and health services, in collaboration with the office of financial management and the caseload forecast council, shall develop a methodology for calculating the savings under this section. The methodology must be used for the 2013- 2015 fiscal biennium, and for each biennium thereafter. The methodology must establish a baseline for calculating savings. In developing the methodology, the department of social and health services shall incorporate the relevant requirements of any demonstration waiver granted to the state under P.L. 112-34. The savings must be based on actual caseload and per capita expenditures.

(b) The caseload and the per capita expenditures for youth in extended foster care pursuant to RCW 74.13.031 and as determined under RCW 43.88C.010(9) shall not be included in the following:

(i) The calculation of savings transferred to the account; or

(ii) The capped allocation of the demonstration waiver granted to the state under P.L. 112-34.

(c) By December 1, 2012, the department of social and health services shall submit the proposed methodology to the governor and the appropriate committees of the legislature. The methodology is deemed approved unless the legislature enacts legislation to modify or reject the methodology.

~~((b))~~ (d) The department of social and health services shall use the methodology established in (a) of this subsection to calculate savings to the state general fund for transfer into the child and family reinvestment account in fiscal year 2014 and each fiscal year thereafter. Savings calculated by the department under this section are not subject to RCW 43.79.460. The department shall report the amount of the state general fund savings achieved to the office of financial management and the fiscal committees of the legislature at the end of each fiscal year. The office of financial management shall provide notice to the state treasurer of the amount of state general fund savings, as calculated by the department of social and health services, for transfer into the child and family reinvestment account.

~~((e))~~ (e) Nothing in this section prohibits (i) the caseload forecast council from forecasting the foster care caseload under RCW 43.88C.010 or (ii) the department from including maintenance funding in its budget submittal for caseload costs that exceed the baseline established in (a) of this subsection.

**Sec. 13.** RCW 43.131.416 and 2012 c 204 s 5 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2019:

(1) 2012 c 204 s 1 (uncodified);

(2) RCW 74.13.107 and 2013 c ... s 12 (section 12 of this act) & 2012 c 204 s 2; and

(3) RCW 43.135.0341 and 2012 c 204 s 3.

**NEW SECTION. Sec. 14.** No later than September 1, 2013, the department of social and health services shall develop recommendations regarding the needs of dependent youth in juvenile rehabilitation administration institutions and report those recommendations to the governor and appropriate legislative committees. The report must include specific recommendations regarding how these youth may access services under the extended foster care program. The recommendations must be developed by the children's administration and the juvenile rehabilitation

administration in consultation with youth who have been involved with the juvenile rehabilitation administration and representatives from community stakeholders and the courts.

**NEW SECTION. Sec. 15.** This act applies prospectively only and not retroactively. It applies to:

- (1) Dependency matters that have an open court case on the effective date of this section; and
- (2) Dependency matters for which a petition is filed on or after the effective date of this section.

**NEW SECTION. Sec. 16.** Sections 7 and 9 of this act expire December 1, 2013.

**NEW SECTION. Sec. 17.** Sections 8 and 10 of this act take effect December 1, 2013."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5405.

Senator Murray spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5405.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5405 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5405, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5405, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Fraser

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5405, 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

April 12, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5797 with the following amendment(s): 5797 AMH ENGR H2300.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that in the state of Washington, there exists a type of court administered by the judiciary commonly called a specialty or therapeutic court. Judges in the trial courts throughout the state effectively utilize specialty and therapeutic courts to remove defendants with their consent and the consent of the prosecuting authority from the normal criminal court system and allow those defendants the opportunity to obtain treatment services to address particular issues that may have contributed to the conduct that led to their arrest in exchange for dismissal of the charges. Trial courts have proved adept at creative approaches in fashioning a wide variety of specialty and therapeutic courts addressing the spectrum of social issues that can contribute to criminal activity.

The legislature also finds that there are presently more than seventy-four specialty and therapeutic courts operating in the state of Washington that save costs to both the trial courts and law enforcement by strategic focus of resources within the criminal justice system. There are presently more than fifteen types of specialty and therapeutic courts in the state including: Veterans treatment court, adult drug court, juvenile drug court, family dependency treatment court, mental health court, DUI court, community court, reentry drug court, tribal healing to wellness court, truancy court, homeless court, domestic violence court, gambling court, and Back on TRAC: Treatment, responsibility, accountability on campus.

The legislature recognizes the inherent authority of the judiciary under Article IV, section 1 of the state Constitution to establish specialty and therapeutic courts. The legislature recognizes the outstanding contribution to the state and a local community made by the establishment of specialty and therapeutic courts and desires to provide a general provision in statute acknowledging and encouraging the judiciary to provide for such courts to address the particular needs within a given judicial jurisdiction.

**NEW SECTION. Sec. 2.** A new section is added to chapter 2.28 RCW to read as follows:

(1) The legislature respectfully encourages the supreme court to adopt any administrative orders and court rules of practice and procedure it deems necessary to support the establishment of effective specialty and therapeutic courts.

(2) Any jurisdiction may establish a specialty or therapeutic court under this section and may seek state or federal funding as it becomes available for the establishment, maintenance, and expansion of specialty and therapeutic courts and for the provision by participating agencies of treatment to participating defendants.

(3) Any jurisdiction establishing a specialty court shall endeavor to incorporate the treatment court principles of best practices as recognized by state and national treatment court agencies and organizations in structuring a particular program, which may include:

- (a) Determine the population;
- (b) Perform a clinical assessment;
- (c) Develop the treatment plan;
- (d) Supervise the offender;
- (e) Forge agency, organization, and community partnerships;
- (f) Take a judicial leadership role;
- (g) Develop case management strategies;
- (h) Address transportation issues;
- (i) Evaluate the program;
- (j) Ensure a sustainable program.

(4) No therapeutic or specialty court may be established specifically for the purpose of applying foreign law, including foreign criminal, civil, or religious law, that is otherwise not required by treaty.

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(5) Specialty and therapeutic courts shall continue to: (a) Obtain the consent of the prosecuting authority in order to remove a charged offender from the regular course of prosecution and punishment; and (b) comply with sentencing requirements as established in state law.

(6) No specialty or therapeutic court established by court rule shall enforce a foreign law, if doing so would violate a right guaranteed by the Constitution of this state or of the United States.

**NEW SECTION. Sec. 3.** The superior court judges' association and the district and municipal court judges' association are encouraged to invite other appropriate organizations and convene a work group to examine the structure of all specialty and therapeutic courts in Washington. If such a work group is convened, the legislature requests a recommendation for the structure for such courts in the law and court rules, incorporating principles of best practices relative to a particular court as recognized by state and national treatment court agencies and organizations, to make such courts more effective and more prevalent throughout the state. The legislature requests such recommendations prior to the beginning of the 2014 legislative session, and respectfully requests the supreme court to consider any recommendations from the work group pertaining to necessary changes in court rules.

**NEW SECTION. Sec. 4.** For the purposes of this act, "specialty court" and "therapeutic court" both mean a specialized pretrial or sentencing docket in select criminal cases where agencies coordinate work to provide treatment for a defendant who has particular needs.

**Sec. 5.** RCW 2.28.170 and 2009 c 445 s 2 are each amended to read as follows:

(1) ((Counties)) Jurisdictions may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services. However, from July 26, 2009, until June 30, 2013, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a drug court pursuant to RCW 70.96A.350.

(b) Any ((county)) jurisdiction that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

**Sec. 6.** RCW 2.28.175 and 2012 c 183 s 1 are each amended to read as follows:

(1) ((Counties)) Jurisdictions may establish and operate DUI courts. Municipalities may enter into cooperative agreements with counties or other municipalities that have DUI courts to provide DUI court services.

(2) For the purposes of this section, "DUI court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism of impaired driving among nonviolent, alcohol abusing offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic testing for alcohol use and, if applicable, drug use; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a DUI court program must first:

(i) Exhaust all federal funding that is available to support the operations of its DUI court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for DUI court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for DUI court operations and associated services. However, until June 30, 2014, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a DUI court established as of January 1, 2011.

(b) Any jurisdiction that establishes a DUI court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The DUI court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from alcohol treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030, vehicular homicide under RCW 46.61.520, vehicular assault under RCW 46.61.522, or an equivalent out-of-state offense; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) That is vehicular homicide or vehicular assault;

(D) During which the defendant used a firearm; or

(E) During which the defendant caused substantial or great bodily harm or death to another person.

**Sec. 7.** RCW 2.28.180 and 2011 c 236 s 1 are each amended to read as follows:

(1) ((Counties)) Jurisdictions may establish and operate mental health courts.

(2) For the purposes of this section, "mental health court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and symptoms of mental illness among nonviolent, felony and nonfelony offenders with mental illnesses and recidivism among nonviolent felony and nonfelony offenders who have developmental disabilities as defined in RCW 71A.10.020 or who have suffered a traumatic brain injury by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment including drug treatment for persons with co-occurring disorders; mandatory periodic reviews, including drug testing if indicated; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a mental health court program must first:

(i) Exhaust all federal funding that is available to support the operations of its mental health court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for mental health court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for mental health court operations and associated services.

(b) Any (~~county~~) jurisdiction that establishes a mental health court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The mental health court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from psychiatric treatment or treatment related to his or her developmental disability or traumatic brain injury;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

**Sec. 8.** RCW 2.28.190 and 2011 c 293 s 11 are each amended to read as follows:

Any (~~county~~) jurisdiction that has established a DUI court, drug court, and a mental health court under this chapter may combine the functions of these courts into a single therapeutic court.

**NEW SECTION. Sec. 9.** This act takes effect August 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Senate Bill No. 5797.

Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Senate Bill No. 5797.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5797 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5797, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5797, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry,

Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Excused: Senators Carrell and Fraser

SENATE BILL NO. 5797, 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.

#### MOTION

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

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1421, by Representatives Tharinger and Nealey

Protecting the state's interest in collecting deferred property taxes.

The measure was read the second time.

#### MOTION

On motion of Senator Hill, the rules were suspended, Engrossed House Bill No. 1421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Nelson 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. 1421.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1421 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Shin, Smith and Tom

Absent: Senator Kline

Excused: Senators Carrell and Fraser

ENGROSSED HOUSE BILL NO. 1421, 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 3:00 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 a.m. Friday, April 26, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate







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