

FIFTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Wednesday, March 8, 2017

The Senate was called to order at 10:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Brandon Ducusin and Miss Mehr Luthra, presented the Colors. Page Mr. Robert Veria-Means led the Chamber in the Pledge of Allegiance. The prayer was offered by Senator Rebecca Saldaña, 37th Legislative District, King County.

MOTION

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

MOTION

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

MESSAGES FROM THE HOUSE

March 6, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 1351,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 1439,  
ENGROSSED HOUSE BILL NO. 1450,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 1512,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 1561,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 1711,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1739,  
ENGROSSED HOUSE BILL NO. 1742,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1814,  
ENGROSSED HOUSE BILL NO. 1927,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2010,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2057,  
ENGROSSED HOUSE BILL NO. 2095,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 7, 2017

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1166,  
SUBSTITUTE HOUSE BILL NO. 1183,  
HOUSE BILL NO. 1204,  
HOUSE BILL NO. 1449,

SUBSTITUTE HOUSE BILL NO. 1467,  
SUBSTITUTE HOUSE BILL NO. 1765,  
HOUSE BILL NO. 1855,  
SUBSTITUTE HOUSE BILL NO. 1902,  
HOUSE BILL NO. 1953,  
SUBSTITUTE HOUSE BILL NO. 2006,  
SUBSTITUTE HOUSE BILL NO. 2021,  
SUBSTITUTE HOUSE BILL NO. 2037,  
SUBSTITUTE HOUSE BILL NO. 2058,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 7, 2017

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1001,  
SUBSTITUTE HOUSE BILL NO. 1377,  
SUBSTITUTE HOUSE BILL NO. 1532,  
HOUSE BILL NO. 1715,  
HOUSE BILL NO. 1721,  
SUBSTITUTE HOUSE BILL NO. 1763,  
HOUSE BILL NO. 1833,  
HOUSE BILL NO. 1907,  
SUBSTITUTE HOUSE BILL NO. 1930,  
SECOND SUBSTITUTE HOUSE BILL NO. 1980,  
HOUSE BILL NO. 1991,  
HOUSE JOINT MEMORIAL NO. 4010,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SHB 1043 by House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Harris, Clibborn, Riccelli, Cody, Jinkins, Tharinger, Appleton and Sawyer)

AN ACT Relating to nonpublic personal health information; reenacting and amending RCW 42.56.400; and adding a new section to chapter 48.02 RCW.

Referred to Committee on Health Care.

SHB 1046 by House Committee on Education (originally sponsored by Representative MacEwen)

AN ACT Relating to certificates of academic and individual achievement; amending RCW 28A.155.045, 28A.155.170, 28A.230.090, 28A.230.122, 28A.230.125, 28A.655.070, 28A.180.100, 28A.195.010, 28A.200.010, 28A.305.130, 28A.320.208, 28A.415.360, and 28A.600.310; adding a new section to chapter 28A.655 RCW; creating a new section; repealing RCW 28A.600.405, 28A.655.061, 28A.655.063, 28A.655.065, 28A.655.066, and 28A.655.068; and declaring an emergency.

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

HB 1063 by Representatives Morris, Lytton, Fitzgibbon, Appleton and Sawyer

AN ACT Relating to allowing federally recognized tribes with lands held in trust in a county that is west of the Cascade mountain range that borders Puget Sound with a population of at least one hundred eighteen thousand, but less than two hundred fifty thousand, persons to enter into agreements regarding fuel taxes; amending RCW 82.38.310; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1070 by House Committee on Judiciary (originally sponsored by Representatives Jinkins, Appleton, Robinson, Kirby, Doglio and Fey)

AN ACT Relating to filing fee surcharges for funding dispute resolution centers; and amending RCW 7.75.035.

Referred to Committee on Law & Justice.

HB 1089 by Representatives Appleton and Fitzgibbon

AN ACT Relating to amending the schedule for updates to the comprehensive plan of Kitsap county that are required under the growth management act to match the update schedules of other central Puget Sound counties; and amending RCW 36.70A.130.

Referred to Committee on Local Government.

ESHB 1109 by House Committee on Appropriations (originally sponsored by Representatives Orwall, McCabe, Griffey, Hayes, McBride, Frame, Goodman, Klippert, Stanford, Stambaugh, Jinkins, Fey, Harmsworth, Dolan, Sells, Muri, Gregerson, McDonald, Wylie, Kilduff, Kloba, Tarleton, Pollet, Farrell, Kagi, Riccelli, Senn, Peterson, Bergquist and Doglio)

AN ACT Relating to supporting victims of sexual assault; amending RCW 43.330.470, 66.08.2601, 66.08.260, and 66.08.170; amending 2015 c 247 s 2 (uncodified); reenacting and amending RCW 43.84.092; adding a new section to chapter 43.10 RCW; adding a new section to chapter 70.125 RCW; adding new sections to chapter 43.101 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Law & Justice.

HB 1132 by Representatives Buys and Blake

AN ACT Relating to dispute resolution between seed buyers and dealers; amending RCW 15.49.071 and 15.49.091; and repealing RCW 15.49.081, 15.49.101, and 15.49.111.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SHB 1155 by House Committee on Public Safety (originally sponsored by Representatives Griffey, Orwall, Klippert, McCabe, Kraft, Caldier, Muri, Bergquist, Stanford, Fitzgibbon, McDonald, Doglio and Macri)

AN ACT Relating to making felony sex offenses a crime that may be prosecuted at any time after its commission; and amending RCW 9A.04.080.

Referred to Committee on Law & Justice.

2SHB 1168 by House Committee on Appropriations (originally sponsored by Representatives Gregerson, Haler, Pollet, Appleton, Stanford, Orwall, Sells, Tarleton, Chapman, Goodman, Fitzgibbon, Peterson, Lytton, Doglio, Frame, Farrell, Riccelli, Lovick, Pettigrew, Sawyer, Springer, Ortiz-Self, Bergquist, Ormsby, Fey, Hudgins, Santos and Macri)

AN ACT Relating to supporting student success at community and technical colleges by increasing full-time faculty; adding a new section to chapter 28B.52 RCW; and creating new sections.

Referred to Committee on Higher Education.

2SHB 1170 by House Committee on Appropriations (originally sponsored by Representatives Orwall, Goodman, Kilduff, Rodne, Muri, Jinkins, Fey, Pollet and Santos)

AN ACT Relating to maintaining and facilitating court-based and school-based efforts to promote attendance and reduce truancy; amending RCW 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.026, 28A.225.090, 28A.225.030, 28A.225.151, and 28A.250.070; adding a new section to chapter 28A.232 RCW; creating a new section; and repealing RCW 28A.225.115.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1176 by House Committee on Commerce & Gaming (originally sponsored by Representative Muri)

AN ACT Relating to the alcoholic beverage mead; and amending RCW 66.24.215 and 66.28.360.

Referred to Committee on Commerce, Labor & Sports.

SHB 1196 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Jinkins, Kilduff, McBride and Barkis)

AN ACT Relating to modifying the process for prevailing parties to recover judgments in small claims court; amending RCW 12.40.020, 12.40.030, 12.40.040, 12.40.050, 12.40.105, 12.40.120, 4.56.200, and 43.79.505; adding a new section to chapter 12.40 RCW; and repealing RCW 12.40.110.

Referred to Committee on Law & Justice.

SHB 1266 by House Committee on Environment (originally sponsored by Representatives Peterson, Young and Fitzgibbon)

AN ACT Relating to petroleum storage tank systems; amending RCW 70.149.010, 70.149.020, 70.149.030, 70.149.040, 70.149.070, and 64.70.020; and creating new sections.

Referred to Committee on Energy, Environment & Telecommunications.

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2SHB 1280 by House Committee on Appropriations (originally sponsored by Representatives Kagi and Fey) AN ACT Relating to including referred and diverted youth in establishing community juvenile accountability program guidelines; amending RCW 13.40.510; adding a new section to chapter 13.40 RCW; and providing an expiration date.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1314 by House Committee on Health Care & Wellness (originally sponsored by Representatives Caldier, Jinkins, DeBolt, Cody, Rodne, Griffey, Harris, Haler and Appleton)

AN ACT Relating to health care authority auditing practices; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

E2SHB 1351 by House Committee on Appropriations (originally sponsored by Representatives Sawyer, Vick, Springer, Barkis, Blake, Fitzgibbon and Haler)

AN ACT Relating to authorizing, under one license, the sale of spirits, beer, and wine at retail for off-premises consumption; amending RCW 66.24.360, 66.24.630, 66.24.363, and 66.24.632; reenacting and amending RCW 66.24.371; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce, Labor & Sports.

SHB 1421 by House Committee on Appropriations (originally sponsored by Representatives Smith, Hudgins and Stanford)

AN ACT Relating to the removal of payment credentials and other sensitive data from state data networks; adding a new section to chapter 43.105 RCW; and creating a new section.

Referred to Committee on State Government.

SHB 1433 by House Committee on Higher Education (originally sponsored by Representatives Stambaugh, Orwall, Haler, Tarleton, Jinkins, Pollet, Stonier, Ryu, Hargrove, Santos and Doglio)

AN ACT Relating to decoupling services and activities fees from tuition; and reenacting and amending RCW 28B.15.069.

Referred to Committee on Higher Education.

E2SHB 1439 by House Committee on Appropriations (originally sponsored by Representatives Pollet, Haler, Tarleton, Fey, Sells, Orwall, Ryu, Stanford and Dolan)

AN ACT Relating to regulating the institutions of higher education, including for-profit institutions and private vocational schools, to protect students from unfair business practices; amending RCW 28B.85.020, 28B.85.090, 28B.85.100, 28C.10.050, 28C.10.110, and 28C.10.130; adding new sections to chapter 28B.85 RCW; adding new sections to chapter 28C.10 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Higher Education.

EHB 1450 by Representatives Nealey, Kirby and Vick

AN ACT Relating to creating and establishing the rights and duties for title insurance rating and advisory organizations; amending RCW 48.29.010, 48.29.147, and 48.29.017; adding new sections to chapter 48.29 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1475 by Representatives Irwin, Goodman, Hayes, Ryu, Kilduff, Holy, Klippert, Kirby and Lovick

AN ACT Relating to clarifying the limited authority of gambling commission officers; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce, Labor & Sports.

HB 1492 by Representatives Tharinger, Harris, Cody, Macri and Appleton

AN ACT Relating to equalizing civil monetary penalties for assisted living facilities with other long-term care providers; and amending RCW 18.20.190 and 18.20.430.

Referred to Committee on Health Care.

E2SHB 1512 by House Committee on Appropriations (originally sponsored by Representatives Bergquist, Stambaugh, McBride, Gregerson, Slatter, Frame, Macri, Peterson, Hudgins, Pollet, Orwall, Doglio, Appleton, Fitzgibbon, Goodman, Farrell and Stanford)

AN ACT Relating to expanding college bound scholarship eligibility; amending RCW 28B.118.010, 28B.118.040, and 28B.118.090; and creating a new section.

Referred to Committee on Higher Education.

2SHB 1541 by House Committee on Appropriations (originally sponsored by Representatives Robinson, Johnson, Harris, McBride, Doglio, Wylie, Peterson, Cody, Stonier, Frame, Sawyer, Macri, Sells, Orwall, Jinkins, Senn, Tharinger, Stanford, Riccelli, Fitzgibbon, Ormsby, Gregerson, Hudgins, Ortiz-Self, Ryu, Farrell, Tarleton, Pollet, Clibborn, Fey, Kilduff, Reeves, Kagi, Chapman, Pellicciotti, Bergquist, Goodman, Lovick and Slatter)

AN ACT Relating to prescription drug cost transparency; adding a new chapter to Title 43 RCW; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Health Care.

E2SHB 1561 by House Committee on Appropriations (originally sponsored by Representatives Frame, Pollet, Doglio, Kloba, Bergquist, Kilduff, Stanford, Dolan, Peterson, Stonier, Senn, Slatter, Fey, Lovick, Macri, Tarleton, Tharinger, Sawyer, Goodman and Farrell)

AN ACT Relating to open educational resources; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

SHB 1566 by House Committee on Early Learning & Human Services (originally sponsored by Representatives

Pellicciotti, McDonald, Stambaugh, Gregerson, Ortiz-Self, Peterson, Riccelli, Stanford, Stonier, Kilduff, Holy, Ormsby, Haler, Bergquist and Dolan)

AN ACT Relating to the definition of work activity for the purposes of the WorkFirst program; amending RCW 74.08A.250; and adding a new section to chapter 74.08A RCW.

Referred to Committee on Human Services, Mental Health & Housing.

E2SHB 1711 by House Committee on Appropriations (originally sponsored by Representatives Kretz, Springer, Pettigrew, Schmick, Short and Condotta)

AN ACT Relating to prioritizing lands to receive forest health treatments; reenacting and amending RCW 43.79A.040; adding new sections to chapter 79.10 RCW; adding a new section to chapter 79.64 RCW; and creating a new section.

Referred to Committee on Natural Resources & Parks.

HB 1734 by Representatives Lovick, Hargrove, Stonier, Muri, Ortiz-Self and Pollet

AN ACT Relating to reimbursement for substitute teachers participating in activities of the Washington state professional educator standards board to carry out its powers and duties; and amending RCW 28A.300.035.

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

ESHB 1739 by House Committee on Public Safety (originally sponsored by Representatives Gregerson, Goodman, Peterson, Orwall, Kilduff, Harris, Ryu, Ortiz-Self, Lovick, Sells, Stonier, Clibborn, Dolan, Sawyer, Stanford and Jinkins)

AN ACT Relating to the crime victims' compensation program; amending RCW 7.68.020, 7.68.030, 7.68.031, 7.68.062, 7.68.070, and 7.68.111; and reenacting and amending RCW 7.68.080.

Referred to Committee on Law & Justice.

EHB 1742 by Representatives Stambaugh, Fey, Orcutt, Riccelli, McDonald and Jinkins

AN ACT Relating to modifying the motor vehicle transporter's license to accommodate automotive repair facilities; amending RCW 46.76.040, 46.76.060, and 46.76.065; adding a new section to chapter 46.76 RCW; adding a new section to chapter 46.71 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1747 by House Committee on Finance (originally sponsored by Representatives Taylor, McCaslin, Volz, Young and Shea)

AN ACT Relating to the withdrawal of land from a designated classification; and amending RCW 84.34.070.

Referred to Committee on Agriculture, Water, Trade & Economic Development.

SHB 1787 by House Committee on Appropriations (originally sponsored by Representatives Hudgins, Koster, Appleton, Doglio, Kraft and Ormsby)

AN ACT Relating to oversight of the state procurement and contracting for information technology goods and services; amending RCW 39.26.005, 39.26.010, 39.26.050, 39.26.060, 39.26.080, 39.26.090, 39.26.110, 39.26.130, 39.26.140, and 39.26.180; and creating a new section.

Referred to Committee on State Government.

HB 1794 by Representatives Klippert and Jinkins

AN ACT Relating to the death investigations account; and amending RCW 43.103.090.

Referred to Committee on Law & Justice.

ESHB 1814 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman and Ortiz-Self)

AN ACT Relating to notification requirements for the department of social and health services; and amending RCW 13.38.070, 26.44.100, 43.20B.430, 43.20B.435, 43.20B.635, and 74.20A.320.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1815 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kilduff, Rodne, Senn, Muri, Lovick, Ortiz-Self, Orwall and Frame)

AN ACT Relating to the rights of an alleged parent in dependency proceedings; amending RCW 13.04.011; and reenacting and amending RCW 13.34.030.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1816 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Frame, Goodman, Lovick, Ortiz-Self, Kilduff, Muri, Doglio, Macri and Fey)

AN ACT Relating to information sharing regarding implementation of the homeless youth prevention and protection act of 2015; amending RCW 43.185C.010, 43.185C.250, 43.185C.260, 43.185C.285, 43.185C.295, 43.185C.315, and 43.185C.320; and reenacting and amending RCW 13.50.010.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1859 by Representatives Pellicciotti, Griffey, Pettigrew, Chapman, Goodman and Ormsby

AN ACT Relating to providing an aggravating circumstance for assault against a utility worker; and amending RCW 9.94A.535.

Referred to Committee on Law & Justice.

SHB 1863 by House Committee on Appropriations (originally sponsored by Representatives Gregerson, Stokesbary, Appleton and Stambaugh)

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AN ACT Relating to the national fire incident reporting system; amending RCW 43.44.060; and creating a new section.

Referred to Committee on Local Government.

SHB 1877 by House Committee on Transportation (originally sponsored by Representative Stanford)  
AN ACT Relating to the release of driving record abstract information affecting registered tow truck operators; and amending RCW 46.52.130.

Referred to Committee on Transportation.

EHB 1927 by Representative Hudgins  
AN ACT Relating to government efficiency by eliminating, revising or decodifying obsolete or inactive statutory provisions that concern the office of financial management; amending RCW 4.84.360, 38.40.030, 43.03.049, 43.08.015, and 43.320.090; decodifying RCW 43.41.901, 43.41.940, and 43.41.950; and repealing RCW 28B.15.101, 43.41.220, 43.41.230, 43.41.240, 43.41.250, and 43.41.905.

Referred to Committee on State Government.

2SHB 1929 by House Committee on Appropriations (originally sponsored by Representatives Hudgins, Harmsworth and Tarleton)  
AN ACT Relating to building a more robust state information technology security posture by leveraging assets at the military department and other agencies responsible for information technology systems and infrastructure; amending RCW 43.105.215; and creating a new section.

Referred to Committee on State Government.

SHB 1944 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Condotta and Hayes)  
AN ACT Relating to exempting certain law enforcement officers from the hunter education training program; and amending RCW 77.32.155.

Referred to Committee on Natural Resources & Parks.

ESHB 2010 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Maycumber, Dent, Blake, Kretz, Dye and Manweller)  
AN ACT Relating to the prevention of homelessness in wildfire areas; amending RCW 36.22.179 and 43.185C.060; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources & Parks.

HB 2052 by Representative Buys  
AN ACT Relating to recertification of public bodies using alternative contracting methods; amending RCW 39.10.270; and reenacting and amending RCW 43.131.408.

Referred to Committee on State Government.

ESHB 2057 by House Committee on Judiciary (originally sponsored by Representative Orwall)

AN ACT Relating to the services and processes available when residential real property is abandoned or in foreclosure; amending RCW 61.24.173 and 61.24.040; and adding new sections to chapter 61.24 RCW.

Referred to Committee on Financial Institutions & Insurance.

EHB 2095 by Representatives Wylie, Stonier, Harris, Vick, Clibborn, Fey, McBride and Macri  
AN ACT Relating to preliminary work to develop a process for planning for a new Interstate 5 bridge spanning the Columbia river; amending RCW 43.157.030; reenacting and amending RCW 43.157.010; adding a new section to chapter 43.157 RCW; adding a new section to chapter 47.01 RCW; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

ESHB 2114 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Pollet)  
AN ACT Relating to protecting consumers from charges for out-of-network health services; amending RCW 48.43.005, 48.43.093, and 41.05.017; adding new sections to chapter 48.43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care.

ESHB 2126 by House Committee on Appropriations (originally sponsored by Representatives Blake and Wilcox)  
AN ACT Relating to creating a community-based approach to provide assistance with nonlethal management methods to reduce livestock depredations by wolves; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 16 RCW.

Referred to Committee on Natural Resources & Parks.

HJM 4011 by Representatives Blake, Chapman, Lovick, J. Walsh, Kilduff, Tharinger and Muri  
Requesting that the United States Coast Guard name a Coast Guard cutter in honor of Petty Officer Matthew E. Schlimme.

Referred to Committee on State Government.

#### MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Substitute House Bill No. 1747 which had been designated to the Committee on State Government and was referred to the Committee on Agriculture, Water, Trade & Economic Development.

#### MOTION

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

#### MOTION

Senator Saldaña moved adoption of the following resolution:

SENATE RESOLUTION  
8628

By Senators Saldaña, Walsh, Chase, Cleveland, Lias, Rolfes, Billig, Conway, Hasegawa, Hobbs, Darneille, Wilson, Warnick, Brown, Angel, Bailey, Pedersen, Miloscia, Fain, McCoy, Keiser, Wellman, Schoesler, Padden, Ericksen, Zeiger, King, Hawkins, Becker, Pearson, Hunt, Fortunato, Palumbo, Kuderer, Ranker, Carlyle, Nelson, Rossi, Takko, Rivers, and Frockt

WHEREAS, March 8th is International Women's Day; and

WHEREAS, Washington women, of every race, income level, and ethnic background, have made historic contributions to the growth and strength of our state and nation; and

WHEREAS, Women as employers and employees are essential to all aspects of our economy, including education, manufacturing, agriculture, sports, hospitality, the military, technology, health care, philanthropy, arts and culture, and public service; and

WHEREAS, Women are essential in leadership roles that are often historically underestimated and undervalued, including being mothers; heads of households; and caretakers of our state's children, elders, and most vulnerable; and

WHEREAS, Despite their great contributions, women in our society continue to be disadvantaged in a number of areas, including access to health and maternity care, wage equity and lifetime earnings, and women of color and rural women are often at the greatest disadvantage in those areas; and

WHEREAS, In the face of these disadvantages, women have risen up to become leaders as business owners, CEOs, elected officials, and advocates, and women continue to be indispensable to our families and our communities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the contributions of women to our society, economy, and community; and honor all women throughout our state, nation, and world during the celebration of International Women's Day.

Senators Saldaña, Walsh, Chase, Angel, Darneille, Becker, Ericksen, Kuderer, Bailey, Nelson, Baumgartner and Rolfes spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8628.

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

REMARKS BY THE PRESIDENT

President Habib: "The President will add his words of gratitude to Senator Saldaña for bringing this resolution and all the sponsors and all those who shared their remarks today. I know that I speak on behalf of Secretary Goodman and the staff of the Secretary's Office when I say that on behalf of all the women who work in the State Senate and for the State Senate in whatever capacity that we recognize and honor your work everyday, not just today, but today acknowledge in a special way the added challenges or obstacles that women often times face and yet we have such and incredibly talented staff. And obviously incredibly talented colleagues here in the State Senate, so I just

wanted to add my words of appreciation and solidarity on this International Day of Women."

PERSONAL PRIVILEGE

Senator Angel: "I would like to invite all of our women legislators, the National Federation of Women Legislators are coming to town next week. We are having lunch over at the Pritchard Building down in the Washington Room at 12:15 p.m. on March 15. I want to thank Senator Cleveland and Senator Wilson for co-chairing this event with us. And we invite all of you, please call my office for that reservation and we again will celebrate women. Thank you."

MOTION

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

SECOND READING

SENATE BILL NO. 5543, by Senators Padden and Baumgartner

Concerning a reexamination of the classification of land in flood control districts.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5543 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Takko spoke in favor of passage of the bill.

MOTION

On motion of Senator Saldaña, Senator Van De Wege was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5543.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5543 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Van De Wege

SENATE BILL NO. 5543, 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

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

The Senate resumed consideration of Substitute Senate Bill No. 5808 which had been deferred on a previous day (March 6, 2017 the 57<sup>th</sup> Legislative Day).

#### MOTION

On motion of Senator Fain, the rules were suspended and Substitute Senate Bill No. 5808 was returned to second reading for the purpose of amendment.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 5808, by Senate Committee on Agriculture, Water, Trade & Economic Development (originally sponsored by Senators Warnick, Chase, Walsh, Brown, Becker, Short and Bailey)

Concerning agritourism.

The measure was read the second time.

#### MOTION

Senator Warnick moved that the following floor striking amendment no. 127 by Senators Pedersen and Warnick be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that agriculture plays a substantial role in the economy, culture, and history of Washington state. As an increasing number of Washington's citizens are removed from day-to-day agricultural experiences, agritourism provides a valuable opportunity for the public to interact with, experience, and understand agriculture. In addition, agritourism opportunities provide valuable options for agricultural producers and rural residents to maintain their operations and continue a traditional economic development opportunity in rural areas. Inherent risks exist on farms and ranches, some of which cannot be reasonably eliminated. Uncertainty of potential liability associated with inherent risks has a negative impact on the establishment and success of agritourism operations.

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

(1) "Agritourism activity" means any activity carried out on a farm or ranch whose primary business activity is agriculture or ranching and that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities including, but not limited to: Farming; ranching; historic, cultural, and on-site educational programs; recreational farming programs that may include on-site hospitality services; guided and self-guided tours; bed and breakfast accommodations; petting zoos; farm festivals; corn mazes; harvest-your-own operations; hayrides; barn parties; horseback riding; fishing; and camping.

(2) "Agritourism professional" means any person in the business of providing one or more agritourism activities, whether or not for compensation.

(3) "Inherent risks of agritourism activity" means those dangers or conditions that are an integral part of an agritourism

activity including certain hazards, such as surface and subsurface conditions, natural conditions of land, vegetation, waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity, unless the participant acting in a negligent manner is a minor or is under the influence of alcohol or drugs.

(4) "Participant" means any person, other than the agritourism professional, who engages in an agritourism activity.

(5) "Person" means an individual, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government, or any other group acting as a unit.

**NEW SECTION. Sec. 3.** (1)(a) Except as provided in subsection (2) of this section, an agritourism professional is not liable for injury, loss, damage, or death of a participant resulting exclusively from any of the inherent risks of agritourism activities.

(b) Except as provided in subsection (2) of this section, no participant or participant's representative may pursue an action or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities.

(c) In any action for damages against an agritourism professional for agritourism activity, the agritourism professional must plead the affirmative defense of assumption of the risk of agritourism activity by the participant.

(2) Nothing in subsection (1) of this section prevents or limits the liability of an agritourism professional if the agritourism professional does any one or more of the following:

(a) Commits an act or omission that is grossly negligent or constitutes willful or wanton disregard for the safety of the participant and that act or omission proximately causes injury, damage, or death to the participant.

(b) Has actual knowledge or reasonably should have known of an existing dangerous condition on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in such an activity and does not make the danger known to the participant and the danger proximately causes injury, damage, or death to the participant.

(c) Permits minor participants to use facilities or engage in agritourism activities that are not reasonably appropriate for their age.

(d) Knowingly permits participants to use facilities or engage in agritourism activities while under the influence of alcohol or drugs.

(e) Fails to warn participants as required by section 4 of this act.

(3) Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

**NEW SECTION. Sec. 4.** (1) Every agritourism professional must post and maintain signs that contain the warning notice specified in subsection (2) of this section. The sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The warning notice must consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the

agritourism activity, must contain in clearly readable print the warning notice specified in subsection (2) of this section.

(2) The sign and contracts described in subsection (1) of this section must contain the following notice of warning:

"WARNING

Under Washington state law, there is limited liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such an injury or death results exclusively from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. We are required to ensure that in any activity involving minor children, only age-appropriate access to activities, equipment, and animals is permitted. You are assuming the risk of participating in this agritourism activity."

(3) Failure to comply with the requirements concerning warning signs and notices provided in this section prohibits an agritourism professional from invoking the privilege of immunity provided by this section and sections 1 through 3 of this act and may be introduced as evidence in any claim for damages.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act are each added to chapter 4.24 RCW."

On page 1, line 1 of the title, after "agritourism;" strike the remainder of the title and insert "and adding new sections to chapter 4.24 RCW."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 127 by Senators Pedersen and Warnick to Substitute Senate Bill No. 5808.

The motion by Senator Warnick carried and floor striking amendment no. 127 was adopted by voice vote.

#### MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute Senate Bill No. 5808 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5808.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5808 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

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

Voting nay: Senators Carlyle, Hasegawa, Kuderer, Lias, Palumbo and Ranker

Excused: Senator Van De Wege

ENGROSSED SUBSTITUTE SENATE BILL NO. 5808, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand

as the title of the act.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5100, by Senators Bailey, Wilson, Angel, Zeiger and Darneille

Requiring live financial literacy seminars for students at institutions of higher education. Revised for 1st Substitute: Requiring financial literacy seminars for students at institutions of higher education.

#### MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5100 was substituted for Senate Bill No. 5100 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5100.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Van De Wege

SUBSTITUTE SENATE BILL NO. 5100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5797, by Senators Mullet, Fain and Hobbs

Concerning services and processes available when residential real property is abandoned or in foreclosure. Revised for 1st Substitute: Concerning the services and processes available when residential real property is abandoned or in foreclosure.

#### MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 5797 was substituted for Senate Bill No. 5797 and the substitute bill was placed on the second reading and read the second time.



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## MOTION

Senator Mullet moved that the following floor striking amendment no. 122 by Senator Mullet be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 6.** A new section is added to chapter 61.24 RCW to read as follows:

(1) A certificate of abandonment may be obtained for a fee through the housing finance commission by using a form and subject to the terms and conditions developed by the housing finance commission in conjunction with the servicing industry, trustees, and civil legal aid. The housing finance commission must determine the costs associated with the application process and set a reasonable application fee based upon these costs. The fee must not exceed one hundred dollars.

(2) Upon issuance of a certificate of abandonment, or upon receipt of notification from a servicer pursuant to section 2 or 3 of this act, the housing finance commission must notify the appropriate city, town, or county.

**NEW SECTION. Sec. 7.** A new section is added to chapter 61.24 RCW to read as follows:

(1) A servicer to whom a borrower, after default, has granted written permission to enter the premises to inspect, secure, repair, or maintain the premises may enter the premises and act in accordance with the scope of the permission granted by the borrower.

(2) A servicer in possession of a court order allowing entry onto the premises to access, secure, maintain, and preserve the premises may enter the premises and act in accordance with the scope of the court order.

(3) A certificate of abandonment is not necessary under this section, but the servicer must notify the housing finance commission that it has obtained a court order or been granted written permission from the borrower in order that the commission may notify the appropriate city, town, or county.

**NEW SECTION. Sec. 8.** A new section is added to chapter 61.24 RCW to read as follows:

(1) A servicer may perform reasonable external maintenance without the borrower's permission if, after default and after reasonable inspection and notice in accordance with this section, there is reasonable cause to believe that the property is abandoned.

(2) A certificate of abandonment is not necessary under this section, but the servicer must notify the housing finance commission that it intends to perform reasonable external maintenance in order that the commission may notify the appropriate city, town, or county.

(3) For purposes of this section:

(a) "Notice" means a written notice posted on the door, informing the occupants that in three days the servicer or its agent intends to perform external maintenance of the property. The notice must remain on the door until the servicer is contacted by the borrower or lawful occupant or until foreclosure is complete. The notice must include all of the following:

(i) Information about the borrower's or lawful occupant's right to possession;

(ii) A twenty-four hour phone number that the borrower or lawful occupant may call with questions or concerns or to obtain information; and

(iii) The toll-free telephone number or charge-free equivalent made available by the department to find a department-approved housing counseling agency.

(b) "Reasonable cause to believe that the property is abandoned" means that the property exhibits a lack of evidence of occupancy and at least one of the following indicia of abandonment:

(i) Overgrown or dead vegetation;

(ii) An accumulation of newspapers, circulars, fliers, or mail;

(iii) Past due utility notices, or some or all of the utilities have been disconnected;

(iv) An accumulation of trash, junk, or debris;

(v) Broken windows.

(c) "Reasonable external maintenance" includes:

(i) Maintaining landscaping;

(ii) Collecting and disposing of newspapers, circulars, trash, and debris;

(iii) Painting over graffiti or tagging; and

(iv) The removal of hazardous property. If property is removed, the servicer must inventory and document the removal.

(d) "Reasonable inspection" means inspection from the street without entering the property.

**NEW SECTION. Sec. 9.** A new section is added to chapter 61.24 RCW to read as follows:

(1) A certificate of abandonment for entry into a dwelling without the borrower's permission permits a servicer or its agent to enter the property to take reasonable steps to secure the property. Upon issuance of a certificate of abandonment, the housing finance commission must notify the appropriate city, town, or county.

(2) The following conditions must be met before issuance of a certificate of abandonment:

(a) The borrower is in default and the property is abandoned, as indicated by the presence of at least three of the following indicia of abandonment visible from the exterior: (i) The absence of furnishings and personal items consistent with residential habitation; (ii) the gas, electric, and water utility services have been disconnected; (iii) statements by neighbors, passersby, delivery agents, or government employees that the property is vacant; (iv) multiple windows on the property are boarded up or closed off or are smashed through, broken, or unhinged, or multiple window panes are broken and unrepaired; (v) doors on the residence are smashed through, broken off, unhinged, or continuously unlocked; (vi) the property has been stripped of copper or other materials, or interior fixtures have been removed; (vii) law enforcement officials have received at least one report of trespassing or vandalism or other illegal activities occurring on the property within the immediately preceding six months; (viii) the property has been declared unfit for occupancy and ordered to remain vacant and unoccupied pursuant to an order issued by a municipal or county authority or a court of competent jurisdiction; (ix) construction was initiated on the property and was discontinued before completion, leaving a building unsuitable for occupancy, and construction has not taken place for at least six months; (x) newspapers, circulars, flyers, or mail has accumulated on the property or the United States postal service has discontinued delivery to the property; (xi) rubbish, trash, debris, neglected vegetation, or natural overgrowth has accumulated on the property; (xii) hazardous, noxious, or unhealthy substances or materials have accumulated on the property; (xiii) other credible evidence exists indicating the intent to vacate and abandon the property; and either

(b) The property is open and unprotected or in reasonable danger of significant damage resulting from exposure to the elements or vandalism; or

(c) The local police, fire department, or code enforcement authority has requested that the borrower, owner, or any other interested or authorized party secure the residential real property

because the local authority has declared the property to be an imminent danger to the health, safety, and welfare of the public.

(3) Within seven days of issuance of the certificate of abandonment, the servicer or its agent must post a written notice on the door informing the occupants that after thirty days the servicer or its agent intends to enter the dwelling to take reasonable steps to secure the property. The notice must remain on the door until the servicer is contacted by the borrower or lawful occupant or until foreclosure is complete. The notice must include all of the following:

(a) Information about the borrower's or lawful occupant's right to possession;

(b) A twenty-four hour phone number that the borrower or lawful occupant may call with questions or concerns or to obtain information; and

(c) The phone number of a housing counseling agency and information regarding the foreclosure fairness act.

(4) Absent the threat of imminent danger of harm, the servicer or its agent must wait thirty days after posting the notice before entering to take reasonable steps to secure the property. If there is imminent danger of harm, the servicer or its agent need not wait thirty days but may enter immediately and, simultaneous with entry, post the notice required under subsection (3) of this section.

(5) Reasonable steps to secure the property include:

(a) Installing missing locks on exterior doors. Working locks may not be removed or replaced, unless all doors are secured and there is no other means of entry, and in such cases only one working lock may be removed and replaced;

(b) Replacing or boarding broken or missing windows;

(c) Winterizing, including draining pipes and disconnecting or turning on utilities;

(d) Eliminating building code or other code violations; or

(e) Securing exterior pools and spas.

(6) The servicer must document all steps to enter and secure the property, including taking date and time-stamped photographs of entry, and the manner of entry.

(7) Personal property may not be removed unless it is hazardous or perishable, and in such case an inventory and photographs of the property removed must be made.

(8) The servicer or agent must retain all documentation and photographs for a period of four years.

(9) The servicer and its agents must promptly exit the property if, upon entry, there are signs of occupancy.

(10) For purposes of this section, "imminent danger of harm" means:

(a) Active flooding, including damage to the roof such that water is entering the structure;

(b) Extreme weather conditions exist and immediate and extensive property damage is likely;

(c) Notification by the police, fire department, or code enforcement that there is immediate danger to health, safety, and welfare of the public; or

(d) Broken windows or damaged doors that could allow unlawful access to the property.

**NEW SECTION. Sec. 10.** A new section is added to chapter 61.24 RCW to read as follows:

The authority of an agent, such as a property preservation entity, to enter abandoned property and to perform any sort of work derives solely from the servicer's authority. A servicer has a duty to monitor its agents and to make sure that its agents possess the required permit, license, certificate, or registration, and are properly bonded and insured if so required. The servicer must require that the agent implement stringent background check requirements for all of its employees engaged in on-site property preservation.

**NEW SECTION. Sec. 11.** A new section is added to

chapter 61.24 RCW to read as follows:

(1) As used in this section:

(a) "Maintain" means:

(i) Securing doors and windows;

(ii) Landscaping;

(iii) Collecting and disposing of newspapers, circulars, trash, and debris;

(iv) Removing hazardous property;

(v) Securing exterior pools and hot tubs; and

(vi) Eliminating other threats to public health and safety.

(b) "Reasonable costs" means actual and demonstrable costs that are commensurate with and do not exceed the market rate for services necessary to remedy a condition resulting from a failure to maintain, plus the actual and demonstrable costs of administering a contract for services to remedy the condition or the portion of the costs of a program to remedy the condition that is attributable to remedying a condition for specific property.

(2)(a) Beginning thirty days after obtaining written permission or a court order as described under section 2 of this act or the issuance of a certificate of abandonment under section 4 of this act, and until the later of the recording of the trustee's deed by the purchaser or fifteen days after physical delivery of the trustee's deed to the purchaser, a beneficiary or its agent or servicer is under a duty to maintain the property during any period in which the property is vacant.

(b) A servicer must provide the servicer's name or the name of the servicer's agent and a telephone number or other means for contacting the servicer or agent to an official that the local government designates to receive the information described in this subsection.

(c) The servicer must post a durable notice in a conspicuous location on the property that lists a telephone number for the servicer or for the local government that a person may call to report a condition of neglect. The servicer must replace the notice if the notice is removed from the property during a period when the property is vacant.

(d) A servicer or the agent of a servicer must identify the borrower to the local government and provide to, and maintain with, the local government current contact information during a period when the property is vacant.

(3)(a) If a local government finds a violation of subsection (2)(a) of this section, the local government must notify the servicer, in writing, that the property is the subject of the violation and in accordance with (b) or (c) of this subsection, as appropriate, must specify a time within which the servicer must remedy the condition that is the basis for the local government's finding.

(b) The local government must allow the servicer not fewer than thirty days to remedy the violation, unless the local government makes a determination under (c) of this subsection, and must provide the servicer with an opportunity to contest the local government's finding at a hearing. The servicer must contest the local government's finding within ten days after the local government notifies the servicer of the violation.

(c) If the local government determines that a specific condition of the property constitutes a threat to public health or safety, the local government may require the servicer to remedy the specific condition in fewer than thirty days, provided that the local government specifies in the written notice the date by which the servicer must remedy the specific condition. A local government may specify in the written notice different dates by which the servicer must remedy separate conditions of neglect on the foreclosed residential real property.

(4)(a) After a local government allows a servicer the time specified in subsection (3)(b) of this section or makes a determination under subsection (3)(c) of this section, the local

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government may remedy or contract with another person to remedy and require the servicer to reimburse the local government for reasonable costs the local government incurs under this subsection.

(b) A local government that has incurred costs with respect to property under (a) of this subsection has a lien on the property for the sum of the local government's unreimbursed costs. A lien created under this subsection is prior to all other liens and encumbrances, except that the lien has equal priority with a tax lien. The lien attaches at the time the local government files a claim of lien with the county clerk of the county in which the property is located. A local government may bring an action in the superior court to foreclose the lien in the manner provided for foreclosing other liens on real or personal property.

**NEW SECTION. Sec. 12.** A new section is added to chapter 61.24 RCW to read as follows:

(1) As used in this section:

(a) "Neglect" means:

(i) To fail or a failure to maintain the buildings, grounds, or appurtenances of property in such a way as to allow:

(A) Excessive growth of foliage that diminishes the value of adjacent property;

(B) Trespassers to remain on the foreclosed residential real property or in a structure located on the foreclosed residential real property;

(C) Mosquito larvae or pupae to grow in standing water on the property; or

(D) Other conditions on the property that cause or contribute to causing a public nuisance;

(ii) To fail or a failure to monitor the condition of property by inspecting the property at least once every thirty days with sufficient attention so as to prevent, or to identify and remedy, a condition described in (a)(i) of this subsection.

(b) "Reasonable costs" means actual and demonstrable costs that are commensurate with and do not exceed the market rate for services necessary to remedy a condition of neglect, plus the actual and demonstrable costs of administering a contract for services to remedy a condition of neglect or the portion of the costs of a program to remedy conditions of neglect that are attributable to remedying a condition of neglect for specific property.

(2)(a) A servicer is under an obligation to maintain and may not neglect the property during any period in which the property is vacant.

(b) A servicer must provide the servicer's name or the name of the servicer's agent and a telephone number or other means for contacting the servicer or agent to an official that the local government designates to receive the information described in this subsection.

(c) The servicer must post a durable notice in a conspicuous location on the property that lists a telephone number for the servicer or for the local government that a person may call to report a condition of neglect. The servicer must replace the notice if the notice is removed from the property during a period when the property is vacant.

(d) A servicer or the agent of a servicer must identify the borrower to the local government and provide to, and maintain with, the local government current contact information during a period when the property is vacant.

(3)(a) If a local government finds a violation of subsection (2)(a) of this section, the local government must notify the servicer, in writing, that the property is the subject of the violation and in accordance with (b) or (c) of this subsection, as appropriate, must specify a time within which the servicer must remedy the condition of neglect that is the basis for the local

government's finding.

(b) The local government must allow the servicer not fewer than thirty days to remedy the violation, unless the local government makes a determination under (c) of this subsection, and must provide the servicer with an opportunity to contest the local government's finding at a hearing. The servicer must contest the local government's finding within ten days after the local government notifies the servicer of the violation.

(c) If the local government determines that a specific condition of the property constitutes a threat to public health or safety, the local government may require the servicer to remedy the specific condition in fewer than thirty days, provided that the local government specifies in the written notice the date by which the servicer must remedy the specific condition. A local government may specify in the written notice different dates by which the servicer must remedy separate conditions of neglect on the foreclosed residential real property.

(4)(a) After a local government allows a servicer the time specified in subsection (3)(b) of this section or makes a determination under subsection (3)(c) of this section, the local government may remedy or contract with another person to remedy neglect or a specific condition of neglect on property and require the servicer to reimburse the local government for reasonable costs the local government incurs under this subsection.

(b) A local government that has incurred costs with respect to property under (a) of this subsection has a lien on the property for the sum of the local government's unreimbursed costs. A lien created under this subsection is prior to all other liens and encumbrances, except that the lien has equal priority with a tax lien. The lien attaches at the time the local government files a claim of lien with the county clerk of the county in which the property is located. A local government may bring an action in the superior court to foreclose the lien in the manner provided for foreclosing other liens on real or personal property.

**Sec. 13.** RCW 61.24.173 and 2016 c 196 s 2 are each amended to read as follows:

(1) ((Except as provided in subsections (4) and (5) of this section, beginning July 1, 2016, and every quarter thereafter, every beneficiary on whose behalf a notice of trustee's sale has been recorded pursuant to RCW 61.24.040 on residential real property under this chapter must:

(a) Report to the department the number of notices of trustee's sale recorded for each residential property during the previous quarter;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2))) For each notice of trustee's sale recorded on residential real property, the beneficiary on whose behalf the notice of trustee's sale has been recorded shall remit ((two hundred fifty dollars to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account)) three hundred dollars to the county auditor or recording officer at the time of recording the notice of trustee's sale. The ((two)) three hundred ((fifty)) dollar payment is required for every recorded notice of trustee's sale for noncommercial loans on residential real property, but does not apply to the recording of an amended notice of trustee's sale. ((If the beneficiary previously made a payment under RCW 61.24.174, as it existed prior to July 1, 2016, for a notice of default supporting the recorded notice of trustee's sale, no payment is required under this section. The beneficiary shall

remit the total amount required in a lump sum each quarter.

(3) Reporting and payments under subsections (1) and (2) of this section are due within forty-five days of the end of each quarter.

(4) This section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than fifty notices of trustee's sale were recorded on its behalf in the preceding year.

(5)) (a) The county auditor or recording officer shall retain three percent for collection of the fee and the amount retained must be used for purposes of operations and maintenance consistent with RCW 36.22.170(2)(b).

(b) The county treasurer or recording officer shall remit the remaining funds to the state treasurer on a monthly basis for deposit into the foreclosure fairness account.

(2) Any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), that records fewer than fifty notices of trustee's sale for residential real property during a calendar year may apply to the department for a refund of the recording fee established under this section. At the option of the beneficiary or loan servicer, a refund application may be submitted on a quarterly or an annual basis according to rules adopted by the department.

(3) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

((6)) (4) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner-occupied.

**Sec. 14.** RCW 61.24.040 and 2012 c 185 s 10 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, or if a letter under RCW 61.24.031 is required, at least one hundred twenty days before the sale, the trustee shall:

(a) Record a notice in the form described in ((f) of this)) subsection (2) of this section in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in ((f) of this)) subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i) The borrower and grantor;

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the

deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in ((f) of this)) subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in ((f) of this)) subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in ((f) of this)) subsection (2) of this section to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property;

((f)) (2)(a) The notice required in subsection (1) of this section must include a cover sheet on which it is clearly indicated the name of the beneficiary and whether the loan is commercial or noncommercial. In addition to any other indexing requirements, the auditor shall index the notice of trustee's sale by beneficiary. Unless clearly indicated that the loan is commercial, three hundred dollars must be remitted pursuant to RCW 61.24.173(1).

(b) The notice ((shall)) must be in substantially the following form:

#### NOTICE OF TRUSTEE'S SALE

##### I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the . . . . day of . . . . ., . . . ., at the hour of . . . . o'clock . . . . M. at . . . . . F:\Journal\2017 Journal\Journal2017\LegDay059\street address and location if inside a building.doc in the City of . . . . ., State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of . . . . ., State of Washington, to-wit:

F:\Journal\2017 Journal\Journal2017\LegDay059\If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property.doc

which is subject to that certain Deed of Trust dated . . . . ., recorded . . . . ., . . . ., under Auditor's File No. . . . ., records of . . . . . County, Washington, from . . . . ., as Grantor, to . . . . ., as Trustee, to secure an obligation in favor of . . . . ., as Beneficiary, the beneficial interest in which was assigned by . . . . ., under an Assignment recorded under Auditor's File No. . . . . F:\Journal\2017 Journal\Journal2017\LegDay059\Include recording information for all counties if the Deed of Trust is recorded in more than one county..doc

##### II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court

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by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

F:\Journal\2017 Journal\Journal2017\LegDay059\If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action..doc

III.

The default(s) for which this foreclosure is made is/are as follows:

F:\Journal\2017 Journal\Journal2017\LegDay059\If default is for other than payment of money, set forth the particulars.doc

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$ . . . . ., together with interest as provided in the note or other instrument secured from the . . . . day of . . . . ., . . . , and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the . . . . day of . . . . ., . . . . The default(s) referred to in paragraph III must be cured by the . . . . day of . . . . ., . . . (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the . . . . day of . . . . ., . . . (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the . . . . day of . . . . ., . . . (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

by both first-class and certified mail on the . . . . day of . . . . ., . . . , proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the . . . . day of . . . . ., . . . , with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a

waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040(((9))) (11)]

, Trustee  
  
  
  
  
  
Address  
} Phone

[Acknowledgment]

~~(((g)))~~ (3) If the borrower received a letter under RCW 61.24.031, the notice specified in subsection ~~(((1)(f)))~~ (2) of this section ~~(((shall)))~~ must also include the following additional language:

**"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR HOME.**

You have only 20 DAYS from the recording date on this notice to pursue mediation.

**DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Web site: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Web site: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Web site: . . . . .

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice;

~~(((2)))~~ (4) In addition to providing the borrower and grantor the notice of sale described in subsection ~~(((1)(f)))~~ (2) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

**NOTICE OF FORECLOSURE**  
Pursuant to the Revised Code of Washington,  
Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to . . . . ., the Beneficiary of your Deed of Trust and owner of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the . . . . day of . . . . ., . . .

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the . . . . day of . . . . ., . . . [11 days before the sale date]. To date, these

arrears and costs are as follows:

	Currently due to reinstate on . . . . . . . . . .	Estimated amount that will be due to reinstate on . . . . . . . . . . (11 days before the date set for sale)
Delinquent payments from . . . . . , . . . . . in the amount of \$ . . . /mo.:        \$ . . . .        \$ . . . .		
Late charges in the total amount of:        \$ . . . .        \$ . . . .		
		Estimated Amounts
Attorneys' fees:        \$ . . . .        \$ . . . .		
Trustee's fee:        \$ . . . .        \$ . . . .		
Trustee's expenses: (Itemization)		
Title report        \$ . . . .        \$ . . . .		
Recording fees        \$ . . . .        \$ . . . .		
Service/Posting of Notices        \$ . . . .        \$ . . . .		
Postage/Copying expense        \$ . . . .        \$ . . . .		
Publication        \$ . . . .        \$ . . . .		
Telephone charges        \$ . . . .        \$ . . . .		
Inspection fees        \$ . . . .        \$ . . . .		
. . . . .        \$ . . . .        \$ . . . .		
. . . . .        \$ . . . .        \$ . . . .		
<b>TOTALS</b> \$ . . . .        \$ . . . .		

To pay off the entire obligation secured by your Deed of Trust as of the . . . . . day of . . . . . you must pay a total of \$ . . . . in principal, \$ . . . . in interest, plus other costs and advances estimated to date in the amount of \$ . . . . . From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
---------	---

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the . . . . day of . . . . . , . . . . [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur

after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to: . . . . . , whose address is . . . . . , telephone ( ) . . . . . AFTER THE . . . . DAY OF . . . . . , YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$ . . . . . ) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME:

ADDRESS:

TELEPHONE NUMBER:

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

~~(((3)))~~ (5) In addition, the trustee shall cause a copy of the notice of sale described in subsection ~~(((1+4)))~~ (2) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

~~(((4)))~~ (6) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

~~(((5)))~~ (7) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

~~((6))~~ (8) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in subsection ~~((3))~~ (5) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

~~((7))~~ (9) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

~~((8))~~ (10) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured;

~~((9))~~ (11) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

**X. NOTICE TO OCCUPANTS OR TENANTS**

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060;

~~((10))~~ (12) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

**Sec. 10.** RCW 61.24.030 and 2012 c 185 s 9 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed

of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the owner of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the actual holder of the promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future, or no less than one hundred fifty days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is owner-occupied residential real property, a statement, prominently set out at the beginning of the notice, which shall state as follows:

**"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

You may be eligible for mediation in front of a neutral third party to help save your home.

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than twenty days after the Notice of Trustee Sale is recorded.

**DO NOT DELAY.** If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

**REFER TO THE CONTACTS BELOW** for sources of assistance.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Web site: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Web site: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Web site: . . . . ."

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice; and

(l) In the event the property secured by the deed of trust is residential real property, the name and address of the owner of

any promissory notes or other obligations secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust; and

(9) That, for owner-occupied residential real property, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163."

On page 1, line 2 of the title, after "foreclosure;" strike the remainder of the title and insert "amending RCW 61.24.173, 61.24.040, and 61.24.030; and adding new sections to chapter 61.24 RCW."

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

The President declared the question before the Senate to be the adoption of floor striking amendment no. 122 by Senator Mullet to Substitute Senate Bill No. 5797.

The motion by Senator Mullet carried and floor striking amendment no. 122 was adopted by voice vote.

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute Senate Bill No. 5797 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5797.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Van De Wege

ENGROSSED SUBSTITUTE SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**SECOND READING**

SENATE BILL NO. 5104, by Senators O'Ban and Wellman

Concerning the creation of a property tax exemption for spouses of military members or first responders killed in the line of duty.

**MOTIONS**

On motion of Senator O'Ban, Substitute Senate Bill No. 5104 was substituted for Senate Bill No. 5104 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended,



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Substitute Senate Bill No. 5104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5104.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Cleveland, Conway, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, King, McCoy, Miloscia, O'Ban, Padden, Palumbo, Pearson, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Darneille, Hasegawa, Keiser, Kuderer, Liias, Mullet, Nelson, Pedersen, Saldaña, Takko and Wellman

Excused: Senator Van De Wege

SUBSTITUTE SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5014, by Senators Pearson, Hobbs and Chase

Concerning determination of the benchmark rate in Snohomish county for certain community residential services. Revised for 1st Substitute: Calculating the benchmark rate for certain community residential services.

MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5014 was substituted for Senate Bill No. 5014 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pearson, the rules were suspended, Substitute Senate Bill No. 5014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5014.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5014 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Van De Wege

SUBSTITUTE SENATE BILL NO. 5014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5070, by Senators Rivers, Mullet, Braun, Hobbs and Rolfes

Concerning paraeducators.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 5070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5070.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Nelson, Ranker, Saldaña and Wellman

SENATE BILL NO. 5070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5145, by Senators Liias and Walsh

Equalizing differences in the distillery and winery industries by authorizing certain sales of spirits carrying a private label exclusive to a restaurant or private club that is a licensed spirits retailer. Revised for 1st Substitute: Equalizing differences between the liquor industries regarding certain sales of alcohol carrying a private label.

MOTIONS

On motion of Senator Liias, Substitute Senate Bill No. 5145 was substituted for Senate Bill No. 5145 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following floor striking amendment no. 82 by Senators Angel, Liias, Walsh and Wilson be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 15.** RCW 66.28.310 and 2015 c 94 s 1 are each amended to read as follows:

(1)(a) Nothing in RCW 66.28.305 prohibits an industry member from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only, except imprinted advertising matter of the industry member can include the logo of a professional sports team which the industry member is licensed to use;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in RCW 66.28.305 prohibits:

(a) An industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(i) Installation of draft beer dispensing equipment or advertising;

(ii) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event; or

(iii) Pouring or dispensing of spirits by a licensed domestic distiller or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310; or

(b) Special occasion licensees from paying for beer, wine, or spirits immediately following the end of the special occasion event; or

(c) Wineries, breweries, or distilleries that are participating in a special occasion event from paying reasonable booth fees to the special occasion licensee.

(3) Nothing in RCW 66.28.305 prohibits industry members from performing, and retailers from accepting the service of

building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in RCW 66.28.305 prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites; or

(c) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, a grocery store license with a tasting endorsement, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee, or as a condition for including any product of the domestic winery or certificate of approval holder in any tasting conducted by the licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor.

~~(6)~~ Nothing in ((this section)) RCW 66.28.305 prohibits wineries, breweries, microbreweries, distillers, craft distilleries, manufacturer's licensees, certificate of approval holders, and retail licensees from identifying the producers on private labels ((authorized under RCW 66.24.400, 66.24.425, 66.24.450, 66.24.360, and 66.24.371)).

~~((6))~~ (7) Nothing in RCW 66.28.305 prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

~~((7))~~ (8) Nothing in RCW 66.28.305 prohibits the performance of personal services offered from time to time by a domestic brewery, microbrewery, or beer certificate of approval holder to grocery store licensees with a tasting endorsement when the personal services are (a) conducted at a licensed premises in conjunction with a tasting event, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities. A domestic brewery, microbrewery, or beer certificate of approval holder is not obligated to perform any such personal services, and a grocery store licensee may not require the performance of any personal

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service as a condition for including any product in any tasting conducted by the licensee.

~~(((8)))~~ (9) Nothing in RCW 66.28.305 prohibits an arrangement between a domestic winery and a restaurant licensed under RCW 66.24.320 or 66.24.400 to waive a corkage fee.

~~(((9)))~~ (10) Nothing in this section prohibits professional sports teams who hold a retail liquor license or their agents from accepting bona fide liquor advertising from manufacturers, importers, distributors, or their agents for use in the sporting arena. Professional sports teams who hold a retail liquor license or their agents may license the manufacturer, importer, distributor, or their agents to use the name and trademarks of the professional sports team in their advertising and promotions, under the following conditions:

(a) Such advertising must be paid for by said manufacturer, importer, distributor, or their agent at the published advertising rate or at a reasonable fair market value.

(b) Such advertising may carry with it no express or implied offer on the part of the manufacturer, importer, distributor, or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

~~(((10)))~~ (11) Nothing in RCW 66.28.305 prohibits a licensed domestic brewery or microbrewery from providing branded promotional items which are of nominal value, singly or in the aggregate, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) of the internal revenue code as it existed on July 24, 2015, for use consistent with the purpose or purposes entitling it to such exemption.

(12) Beer, wine, or spirits private label items may be produced, distributed, or sold by any person to the same extent that person is otherwise properly licensed to produce, distribute, or sell beer, wine, or spirits generally.

**Sec. 16.** RCW 66.24.140 and 2015 c 194 s 1 are each amended to read as follows:

(1) There is a license to distillers, including blending, rectifying, and bottling; fee two thousand dollars per annum, unless provided otherwise as follows:

(a) For distillers producing one hundred fifty thousand gallons or less of spirits with at least half of the raw materials used in the production grown in Washington, the license fee must be reduced to one hundred dollars per annum;

(b) The board must license stills used and to be used solely and only by a commercial chemist for laboratory purposes, and not for the manufacture of liquor for sale, at a fee of twenty dollars per annum;

(c) The board must license stills used and to be used solely and only for laboratory purposes in any school, college, or educational institution in the state, without fee; and

(d) The board must license stills that have been duly licensed as fruit and/or wine distilleries by the federal government, used and to be used solely as fruit and/or wine distilleries in the production of fruit brandy and wine spirits, at a fee of two hundred dollars per annum.

(2) Any distillery licensed under this section may:

(a) Sell spirits of its own production for consumption off the premises. A distillery selling spirits under this subsection must comply with the applicable laws and rules relating to retailers;

(b) Contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export; ~~((and))~~

(c) Provide free or for a charge one-half ounce or less samples

of spirits of its own production to persons on the premises of the distillery. The maximum total per person per day is two ounces. Every person who participates in any manner in the service of samples must obtain a class 12 alcohol server permit. Spirits samples may be adulterated with nonalcoholic mixers, water, and/or ice; and

(d) Produce and sell spirits carrying a private label exclusive to a restaurant or private club holding a license under RCW 66.24.400, 66.24.425, or 66.24.450, or a spirits retail licensee holding a license under RCW 66.24.630.

**Sec. 17.** RCW 66.24.145 and 2015 c 194 s 2 are each amended to read as follows:

(1)(a) Any craft distillery may sell spirits of its own production for consumption off the premises.

(b) A craft distillery selling spirits under this subsection must comply with the applicable laws and rules relating to retailers.

(2) Any craft distillery may contract distilled spirits for, and sell contract distilled spirits to, holders of distillers' or manufacturers' licenses, including licenses issued under RCW 66.24.520, or for export.

(3) Any craft distillery licensed under this section may provide, free or for a charge, one-half ounce or less samples of spirits of its own production to persons on the premises of the distillery. The maximum total per person per day is two ounces. Every person who participates in any manner in the service of samples must obtain a class 12 alcohol server permit. Spirits samples may be adulterated with nonalcoholic mixers, water, and/or ice.

(4)(a) A distillery or craft distillery licensee may apply to the board for an endorsement to sell spirits of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a distillery or craft distillery will sell spirits at a qualifying farmers market, the distillery or craft distillery must provide the board or its designee a list of the dates, times, and locations at which bottled spirits may be offered for sale. This list must be received by the board before the spirits may be offered for sale at a qualifying farmers market.

(c) Each approved location in a qualifying farmers market is deemed to be part of the distillery or craft distillery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include tasting or sampling privileges. The distillery or craft distillery may not store spirits at a farmers market beyond the hours that the bottled spirits are offered for sale. The distillery or craft distillery may not act as a distributor from a farmers market location.

(d) Before a distillery or craft distillery may sell bottled spirits at a qualifying farmers market, the farmers market must apply to the board for authorization for any distillery or craft distillery with an endorsement approved under this subsection to sell bottled spirits at retail at the farmers market. This application must include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved distillery or craft distillery may sell bottled spirits; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled spirits may be sold. Before authorizing a qualifying farmers market to allow an approved distillery or craft distillery to sell bottled spirits at retail at its farmers market location, the board must notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (4)(d) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(e) For the purposes of this subsection (4), "qualifying farmers market" has the same meaning as defined in RCW 66.24.170.

(5) The board must adopt rules to implement the alcohol server permit requirement and may adopt additional rules to implement this section.

(6) Distilling is an agricultural practice.

(7) A craft distillery may produce and sell spirits carrying a private label exclusive to a restaurant or private club holding a license under RCW 66.24.400, 66.24.425, or 66.24.450, or a spirits retail licensee holding a license under RCW 66.24.630.

**Sec. 18.** RCW 66.24.150 and 1997 c 321 s 2 are each amended to read as follows:

(1) There shall be a license to manufacturers of liquor, including all kinds of manufacturers except those licensed as distillers, domestic brewers, microbreweries, wineries, and domestic wineries, authorizing such licensees to manufacture, import, sell, and export liquor from the state; fee five hundred dollars per annum.

(2) A licensee manufacturing spirits pursuant to this section may produce and sell spirits carrying a private label exclusive to a restaurant or private club holding a license under RCW 66.24.400, 66.24.425, or 66.24.450, or a spirits retail licensee holding a license under RCW 66.24.630.

**Sec. 19.** RCW 66.24.055 and 2013 2nd sp.s. c 12 s 1 are each amended to read as follows:

(1) There is a license for spirits distributors to (a) sell spirits purchased from manufacturers, distillers, or suppliers including, without limitation, licensed Washington distilleries, licensed spirits importers, other Washington spirits distributors, or suppliers of foreign spirits located outside of the United States, to spirits retailers including, without limitation, spirits retail licensees, special occasion license holders, interstate common carrier license holders, restaurant spirits retailer license holders, spirits, beer, and wine private club license holders, hotel license holders, sports entertainment facility license holders, and spirits, beer, and wine nightclub license holders, and to other spirits distributors; and (b) export the same from the state.

(2) By January 1, 2012, the board must issue spirits distributor licenses to all applicants who, upon December 8, 2011, have the right to purchase spirits from a spirits manufacturer, spirits distiller, or other spirits supplier for resale in the state, or are agents of such supplier authorized to sell to licensees in the state, unless the board determines that issuance of a license to such applicant is not in the public interest.

(3)(a) As limited by (b) of this subsection and subject to (c) of this subsection, each spirits distributor licensee must pay to the board, for deposit into the liquor revolving fund, a license issuance fee calculated as follows:

(i) In each of the first twenty-seven months of licensure, ten percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively; and

(ii) In the twenty-eighth month of licensure and each month thereafter, five percent of the total revenue from all the licensee's sales of spirits made during the month for which the fee is due, respectively.

(b) The fee required under this subsection (3) is calculated only on sales of items which the licensee was the first spirits distributor in the state to have received:

(i) In the case of spirits manufactured in the state, from the distiller; or

(ii) In the case of spirits manufactured outside the state, from an authorized out-of-state supplier.

(c) By March 31, 2013, all persons holding spirits distributor licenses on or before March 31, 2013, must have paid collectively one hundred fifty million dollars or more in spirits distributor license fees. If the collective payment through March 31, 2013,

totals less than one hundred fifty million dollars, the board must, according to rules adopted by the board for the purpose, collect by May 31, 2013, as additional spirits distributor license fees the difference between one hundred fifty million dollars and the actual receipts, allocated among persons holding spirits distributor licenses at any time on or before March 31, 2013, ratably according to their spirits sales made during calendar year 2012. Any amount by which such payments exceed one hundred fifty million dollars by March 31, 2013, must be credited to future license issuance fee obligations of spirits distributor licensees according to rules adopted by the board.

(d) A retail licensee selling for resale must pay a distributor license fee under the terms and conditions in this section on resales of spirits the licensee has purchased on which no other distributor license fee has been paid. The board must establish rules setting forth the frequency and timing of such payments and reporting of sales dollar volume by the licensee, with payments due quarterly in arrears.

(e) No spirits inventory may be subject to calculation of more than a single spirits distributor license issuance fee.

(4) In addition to the payment set forth in subsection (3) of this section, each spirits distributor licensee renewing its annual license must pay an annual license renewal fee of one thousand three hundred twenty dollars for each licensed location.

(5) There is no minimum facility size or capacity for spirits distributor licenses, and no limit on the number of such licenses issued to qualified applicants. License applicants must provide physical security of the product that is substantially as effective as the physical security of the distribution facilities currently operated by the board with respect to preventing pilferage. License issuances and renewals are subject to RCW 66.24.010 and the regulations promulgated thereunder, including without limitation rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions to object to or prevent issuance of local liquor licenses. However, existing distributor premises licensed to sell beer and/or wine are deemed to be premises "now licensed" under RCW 66.24.010(9)(a) for the purpose of processing applications for spirits distributor licenses.

(6) A distributor licensed under this section must, to the extent it is reasonably practicable for the distributor to do so, make any product the distributor acquires for resale available to any person legally entitled to purchase such product.

**Sec. 20.** RCW 66.24.200 and 2004 c 160 s 2 are each amended to read as follows:

(1) There shall be a license for wine distributors to sell wine, purchased from licensed Washington wineries, wine certificate of approval holders, licensed wine importers, or suppliers of foreign wine located outside of the United States, to licensed wine retailers and other wine distributors and to export the same from the state; fee six hundred sixty dollars per year for each distributing unit.

(2) A distributor licensed under this section must, to the extent it is reasonably practicable for the distributor to do so, make any product the distributor acquires for resale available to any person legally entitled to purchase such product.

**Sec. 21.** RCW 66.24.250 and 2004 c 160 s 6 are each amended to read as follows:

(1) There shall be a license for beer distributors to sell beer and strong beer, purchased from licensed Washington breweries, beer certificate of approval holders, licensed beer importers, or suppliers of foreign beer located outside of the United States, to licensed beer retailers and other beer distributors and to export same from the state of Washington; fee six hundred sixty dollars per year for each distributing unit.

(2) A distributor licensed under this section must, to the extent

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it is reasonably practicable for the distributor to do so, make any product the distributor acquires for resale available to any person legally entitled to purchase such product."

On page 1, line 3 of the title, after "label;" strike the remainder of the title and insert "and amending RCW 66.28.310, 66.24.140, 66.24.145, 66.24.150, 66.24.055, 66.24.200, and 66.24.250."

POINT OF ORDER

Senator Chase: "It now expands the scope of the bill to include beer and I believe I have submitted written documentation to you."

REMARKS BY SENATOR LIAS

Senator Lias: "Thank you, Mr. President. I appreciate your clarification. The Senate has adopted the substitute unanimously. The substitute bill does allow for a broad scope addressing craft distilleries, regular distilleries, and there is language about beer, wine, and spirits private label items and so the Senate has already adopted that substitute amendment and the striking amendment is broadly within that scope and object of the bill that is now before the Senate. I would ask you to rule that this amendment is within the scope and object of the substitute bill."

RULING BY THE PRESIDENT

President Habib: "In light of the fact that the substitute bill has been adopted by the Senate, the striking amendment brought by Senator Lias is within the scope and object of the bill as substituted. This is how the President rules."

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5145 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5336, by Senators Miloscia, Hunt, Zeiger, Kuderer, Wellman and Fortunato

Criminalizing damaging, destroying, tampering, or removing ballot return boxes or contents.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Senate Bill No. 5336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia, Pedersen and Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5336.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5336 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5336, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5835, by Senators Keiser, Baumgartner, Fain, Conway, Cleveland, Rivers, Kuderer, Braun, Rossi, Hasegawa, Hunt and Saldaña

Promoting healthy outcomes for pregnant women and infants.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5835 was substituted for Senate Bill No. 5835 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5835 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Saldaña, Senator Palumbo was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5835.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5835 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Palumbo

SUBSTITUTE SENATE BILL NO. 5835, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5233, by Senators Mullet, Palumbo, Rivers and Wilson

Concerning the employee status of language translators and interpreters. Revised for 1st Substitute: Concerning the independent contractor status of certain interpreters and translators.

#### MOTIONS

On motion of Senator Mullet, Substitute Senate Bill No. 5233 was substituted for Senate Bill No. 5233 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mullet, the rules were suspended, Substitute Senate Bill No. 5233 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Baumgartner and Hobbs spoke in favor of passage of the bill.

Senators Saldaña and Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5233.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5233 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Lias, Miloscia, Mullet, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, McCoy, Nelson, Pedersen, Ranker, Rolfes, Saldaña and Van De Wege

Excused: Senator Palumbo

SUBSTITUTE SENATE BILL NO. 5233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5662, by Senator Zeiger

Authorizing the superintendent of public instruction to designate a member of the professional educator standards board.

The measure was read the second time.

#### MOTION

On motion of Senator Zeiger, the rules were suspended, Senate Bill No. 5662 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zeiger spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5662.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5662 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Palumbo

SENATE BILL NO. 5662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5448, by Senators Rivers, Chase, Zeiger, Walsh, Miloscia, Fain, Warnick and Becker

Concerning no required psychotropic medication use for students.

The measure was read the second time.

#### MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 5448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5448.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5448 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Palumbo

SENATE BILL NO. 5448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5342, by Senators King, Takko, Pearson and Pedersen

Concerning the distribution of monetary penalties to local courts and state agencies paid for failure to comply with discover pass requirements.

#### MOTIONS

On motion of Senator King, Second Substitute Senate Bill No. 5342 was substituted for Senate Bill No. 5342 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Second Substitute Senate Bill No. 5342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5342.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5342 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

SECOND SUBSTITUTE SENATE BILL NO. 5342, 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, Senator Fortunato was excused.

SECOND READING

SENATE BILL NO. 5633, by Senators Palumbo, Rossi, Angel, Pedersen, O'Ban, Wilson, Zeiger and Padden

Changing the definition of theft.

MOTIONS

On motion of Senator Palumbo, Substitute Senate Bill No. 5633 was substituted for Senate Bill No. 5633 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Palumbo, the rules were suspended, Substitute Senate Bill No. 5633 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5633.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5633 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker,

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

Voting nay: Senator Hasegawa

Excused: Senator Fortunato

SUBSTITUTE SENATE BILL NO. 5633, 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 Ranker, Senator Palumbo was excused.

Senator Sheldon, President Pro Tempore, assumed the Chair.

SECOND READING

SENATE BILL NO. 5813, by Senator Padden

Concerning crimes against minors.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5813.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5813 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Palumbo

SENATE BILL NO. 5813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Bailey, Rolfes, Hasegawa, Chase, Rivers, Zeiger, Keiser, Saldaña and Kuderer

Approving the 2016 state comprehensive plan for workforce

training and education.

The measure was read the second time.

#### MOTION

On motion of Senator Bailey, the rules were suspended, Senate Concurrent Resolution No. 8401 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senators Bailey and Frockt spoke in favor of passage of the resolution.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8401.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8401 and the concurrent resolution passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Palumbo

SENATE CONCURRENT RESOLUTION NO. 8401, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE BILL NO. 5712, by Senators Zeiger, Frockt, Saldaña, Warnick, Fain, Walsh, Bailey, Hawkins, Baumgartner, Braun, Schoesler, Hasegawa, Billig, Mullet, Rolfes, Chase and Kuderer

Developing a bilingual educational workforce.

#### MOTIONS

On motion of Senator Zeiger, Substitute Senate Bill No. 5712 was substituted for Senate Bill No. 5712 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zeiger, the rules were suspended, Substitute Senate Bill No. 5712 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5712.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5712 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker,

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

Excused: Senator Palumbo

SUBSTITUTE SENATE BILL NO. 5712, 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 12:42 p.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

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#### AFTERNOON SESSION

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The Senate was called to order at 2:53 p.m. by President Habib.

On motion of Senator Fain, the Senate resumed consideration of Substitute Senate Bill No. 5145 which had been deferred earlier in the day.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 82 by Senators Angel, Liias, Walsh and Wilson to Substitute Senate Bill No. 5145.

The motion by Senator Liias carried and floor striking amendment no. 82 was adopted by voice vote.

#### MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute Senate Bill No. 5145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Darneille spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5145.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, King, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman and Wilson

Voting nay: Senators Chase, Cleveland, Conway, Darneille, Hasegawa, Keiser, Kuderer, O'Ban, Padden, Pearson, Van De Wege and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



SECOND READING

SENATE BILL NO. 5645, by Senator Honeyford

Addressing incumbent officeholder withdrawal of candidacy provisions. Revised for 1st Substitute: Concerning withdrawal of candidacy.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5645 was substituted for Senate Bill No. 5645 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following floor striking amendment no. 120 by Senator Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 22. RCW 29A.24.131 and 2011 c 349 s 8 are each amended to read as follows:

(1) A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Monday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under this title. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

(2) If an incumbent officeholder who has filed for reelection pursuant to RCW 29A.24.050 later withdraws his or her candidacy pursuant to subsection (1) of this section, declarations of candidacy may be filed for that office until seventy-two hours after the close of business on the Monday following the last day for candidates to withdraw described in subsection (1) of this section."

On page 1, line 1 of the title, after "candidacy;" strike the remainder of the title and insert "and amending RCW 29A.24.131."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 120 by Senator Honeyford to Substitute Senate Bill No. 5645.

The motion by Senator Honeyford carried and floor striking amendment no. 120 was adopted by voice vote.

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5645 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5645.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5645 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5770, by Senators McCoy, Darneille, Saldaña and Hunt

Concerning transfer of jurisdiction from a tribe in dependency cases involving Indian children.

MOTION

On motion of Senator McCoy, Substitute Senate Bill No. 5770 was substituted for Senate Bill No. 5770 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Fain, further consideration of Substitute Senate Bill No. 5770 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5327, by Senators Angel and Padden

Clarifying the duties of court clerks.

MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 5327 was substituted for Senate Bill No. 5327 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 5327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5327.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5327 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Darneille, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 5327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5770 which had been deferred earlier in the day.

#### MOTION

On motion of Senator McCoy, the rules were suspended, Substitute Senate Bill No. 5770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McCoy and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5770.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5770 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5614, by Senators Darneille, Hasegawa and Kuderer

Concerning diversion agreements and counsel and release agreements.

The measure was read the second time.

#### MOTION

On motion of Senator Darneille, the rules were suspended, Senate Bill No. 5614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille, Padden and O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the

final passage of Senate Bill No. 5614.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Honeyford, Padden, Pearson, Schoesler and Short

SENATE BILL NO. 5614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5800, by Senator Baumgartner

Concerning obligations of mental health professionals.

The measure was read the second time.

#### MOTION

Senator O'Ban moved that the following floor striking amendment no. 129 by Senators Baumgartner and O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 71.05 RCW to read as follows:

(1) As used in this section:

(a) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, social worker, or chemical dependency professional, and any person licensed by the department of health as a mental health counselor, mental health counselor associate, marriage and family therapist, or marriage and family therapist associate.

(b) "Mental health services" means voluntary or involuntary outpatient and inpatient services provided to diagnose or treat mental disorders covered by the diagnostic categories listed in the most current version of the diagnostic and statistical manual of mental disorders, published by the American psychiatric association, or any successor publication.

(2) A mental health professional or an individual health care provider providing mental health services to a patient has a duty to warn of a patient's violent behavior only if the patient has communicated to the mental health professional or the individual health care provider providing mental health services to the patient an actual threat of physical violence that poses a serious or imminent threat to the health or safety of a reasonably identifiable person or persons.

(3) The duty to warn of a serious or imminent threat to the health or safety of a reasonably identifiable person or persons is discharged by the mental health professional or the individual health care provider providing mental health services to the

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patient if reasonable efforts are made to communicate the threat to the reasonably identifiable person or persons whose health or safety is threatened and to law enforcement personnel.

(4) No mental health professional or individual health care provider providing mental health services is liable for civil damages for discharging the duty to warn as provided in this section, or having discharged the duty to warn, for failing to predict, warn of, or take reasonable precautions to provide protections from a patient's violent behavior so long as the mental health professional or individual health care provider providing mental health services acted in good faith and without gross negligence.

(5) This section does not limit, and is in addition to, any other statutory immunities from liability of mental health professionals or individual health care providers as otherwise provided by law.

**Sec. 2.** RCW 71.05.120 and 2016 c 158 s 4 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any ((county)) designated mental health professional, nor the state, a unit of local government, or an evaluation and treatment facility shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) Peace officers and their employing agencies are not liable for the referral of a person, or the failure to refer a person, to a mental health agency pursuant to a policy adopted pursuant to RCW 71.05.457 if such action or inaction is taken in good faith and without gross negligence.

(3) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn ((or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel)) as provided for in section 1 of this act.

**Sec. 3.** RCW 71.05.120 and 2016 sp.s. c 29 s 208 and 2016 c 158 s 4 are each reenacted and amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any designated crisis responder, nor the state, a unit of local government, an evaluation and treatment facility, a secure detoxification facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) Peace officers and their employing agencies are not liable for the referral of a person, or the failure to refer a person, to a mental health agency pursuant to a policy adopted pursuant to RCW 71.05.457 if such action or inaction is taken in good faith

and without gross negligence.

(3) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn ((or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel)) as provided for in section 1 of this act.

**NEW SECTION. Sec. 4.** Section 2 of this act expires April 1, 2018.

**NEW SECTION. Sec. 5.** Section 3 of this act takes effect April 1, 2018."

On page 1, line 1 of the title, after "professionals;" strike the remainder of the title and insert "amending RCW 71.05.120; reenacting and amending RCW 71.05.120; adding a new section to chapter 71.05 RCW; providing an effective date; and providing an expiration date."

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 129 by Senators Baumgartner and O'Ban to Senate Bill No. 5800.

The motion by Senator O'Ban carried and floor striking amendment no. 129 was adopted by voice vote.

#### MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner, Mullet, Walsh, Angel, Becker and O'Ban spoke in favor of passage of the bill.

Senators Cleveland, Pedersen, Kuderer and Liias spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5800.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Darneille, Ericksen, Fain, Fortunato, Hawkins, Hobbs, Honeyford, King, Mullet, O'Ban, Palumbo, Pearson, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Cleveland, Conway, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Nelson, Padden, Pedersen, Saldaña, Van De Wege and Wellman

ENGROSSED SENATE BILL NO. 5800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5201, by Senators O'Ban, Darneille and Zeiger

Concerning individuals receiving both employment and community access services.

#### MOTIONS

On motion of Senator O'Ban, Second Substitute Senate Bill No. 5201 was substituted for Senate Bill No. 5201 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Second Substitute Senate Bill No. 5201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5201.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5201 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Fain and Liias

SECOND SUBSTITUTE SENATE BILL NO. 5201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5256, by Senators Fain, Pedersen, Zeiger, Palumbo, Miloscia, Frockt, Darneille, Chase, Kuderer and Hunt

Concerning sexual assault protection orders.

#### MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5256 was substituted for Senate Bill No. 5256 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Fain moved that the following floor amendment no. 133 by Senator Fain be adopted:

On page 5, after line 27, insert the following:

"Sec. 4. RCW 9.41.040 and 2016 c 136 s 7 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her

control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26, or 26.50 RCW that:

(A) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(B) Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and

(II) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury;

(iii) After having previously been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(iv) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

(v) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) (a)(ii) of this subsection does not apply to a sexual assault protection order under chapter 7.90 RCW if the order has been modified pursuant to RCW 7.90.170 to remove any restrictions on firearm purchase, transfer, or possession.

(c) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a

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pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection (4) only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being

charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

(8) For purposes of this section, "intimate partner" includes: A spouse, a domestic partner, a former spouse, a former domestic partner, a person with whom the restrained person has a child in common, or a person with whom the restrained person has cohabitated or is cohabitating as part of a dating relationship."

On page 1, line 2 of the title, after "7.90.121," strike the remainder of the title and insert "7.90.170, and 9.41.040."

Senator Fain spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 133 by Senator Fain on page 5, after line 27 to Substitute Senate Bill No. 5256.

The motion by Senator Fain carried and floor amendment no. 133 was adopted by voice vote.

On motion of Senator Fain, the rules were suspended, Engrossed Substitute Senate Bill No. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Pedersen spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5256.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5256 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

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

Voting nay: Senators Ericksen, Hawkins, Padden, Rivers, Short and Wilson

ENGROSSED SUBSTITUTE SENATE BILL NO. 5256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5536, by Senator Fortunato

Providing funding for the hunter education training program operated by the department of fish and wildlife through the issuance of national rifle association special license plates.

The measure was read the second time.

#### MOTION

On motion of Senator Fortunato, the rules were suspended, Senate Bill No. 5536 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fortunato, Takko, Sheldon and Pearson spoke in favor of passage of the bill.

Senator Padden spoke on passage of the bill.

Senators Liias, Chase and Kuderer spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5536.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5536 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

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

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

SENATE BILL NO. 5536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5833, by Senators Honeyford, Frockt, Braun, Fain, Angel and Hunt

Addressing the minimum retirement allowance under the teachers' retirement system, plan 1.

#### MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5833 was substituted for Senate Bill No. 5833 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5833 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5833.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5833 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker,

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

SUBSTITUTE SENATE BILL NO. 5833, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5280, by Senators Honeyford, Rivers, Becker, Sheldon, Brown, Angel, Miloscia, Warnick, Padden, Bailey and Wilson

Making crimes and threats against persons because of their occupation as a law enforcement officer a hate crime.

The measure was read the second time.

#### MOTION

Senator Honeyford moved that the following floor amendment no. 97 by Senator Honeyford be adopted:

Beginning on page 6, line 25, strike all of section 4  
Renumber the remaining sections consecutively.

On page 1, line 3 of the title, after "9A.46.060;" strike "9A.36.031,"

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 97 by Senator Honeyford on page 6, line 25 to Senate Bill No. 5280.

The motion by Senator Honeyford carried and floor amendment no. 97 was adopted by voice vote.

#### MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 5280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Baumgartner, Frockt, Becker, Walsh and Angel spoke in favor of passage of the bill.

Senators Pedersen, Liias and Kuderer spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5280.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5280 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Conway, Ericksen, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Keiser, King, Miloscia, Nelson, O'Ban, Padden, Pearson, Ranker, Rivers, Rolfes, Rossi,

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Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

SECOND READING

Voting nay: Senators Carlyle, Chase, Cleveland, Darneille, Hasegawa, Hunt, Kuderer, Liias, McCoy, Mullet, Palumbo, Pedersen, Saldaña and Wellman

SENATE BILL NO. 5016, by Senators Hobbs, Rivers and Warnick

Concerning deficiency claims after auction of a private property vehicle impound.

ENGROSSED SENATE BILL NO. 5280, 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.

MOTIONS

MOTIONS

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

On motion of Senator Hobbs, Substitute Senate Bill No. 5016 was substituted for Senate Bill No. 5016 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the Committee on Ways & Means was relieved of further consideration of Senate Bill No. 5023 and the bill was placed on the day's second reading calendar.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

On motion of Senator Fain, pursuant to Rule 18, Senate Bill No. 5023, an act relating to Delaying implementation of revisions to the school levy lid, was made a special order of business to be considered at 4:55 p.m.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5016.

ROLL CALL

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

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5016 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

SECOND READING

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

Voting nay: Senators Hasegawa, McCoy and Pedersen

SENATE BILL NO. 5146, by Senators Liias, King and Hobbs

Allowing public transportation benefit area authorities to use job order contracts and procedure.

SUBSTITUTE SENATE BILL NO. 5016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The measure was read the second time.

MOTION

SECOND READING

On motion of Senator Liias, the rules were suspended, Senate Bill No. 5146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5146.

SENATE BILL NO. 5154, by Senators Fain, Hobbs, Liias, Zeiger, Billig, Wilson and Kuderer

Concerning driver's license formats for persons approaching twenty-one years of age.

ROLL CALL

MOTIONS

The Secretary called the roll on the final passage of Senate Bill No. 5146 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

On motion of Senator King, Substitute Senate Bill No. 5154 was substituted for Senate Bill No. 5154 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

Voting nay: Senator Hasegawa

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5154.

SENATE BILL NO. 5146, 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.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5154 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SPECIAL ORDER OF BUSINESS

Pursuant to Rule 18, the hour fixed for consideration of a special order of business having arrived, the President called the Senate to order and announced Senate Bill No. 5023 to be before the Senate and the measure was immediately considered.

#### SECOND READING

SENATE BILL NO. 5023, by Senators Wellman, Rolfes, Nelson, McCoy, Carlyle, Frockt, Palumbo, Lias, Billig, Hunt, Keiser, Pedersen, Conway, Saldaña, Darneille, Hasegawa, Chase, Mullet and Kuderer

Delaying implementation of revisions to the school levy lid.

The measure was read the second time.

#### MOTION

Senator Fain moved that the following floor striking amendment no. 136 by Senator Fain be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 5.** The legislature recognizes that school districts may provide locally funded enrichment to the state's program of basic education. The legislature further recognizes that the system of state and local funding for school districts is in transition during 2017, with the state moving toward full funding of its statutory program of basic education, and with current statutory policies on school district levies scheduled to expire at the end of calendar year 2017. To promote school districts' ability to plan for the future during this transitional period, the legislature intends to extend current statutory policies on local enrichment through calendar year 2018.

**Sec. 6.** RCW 84.52.0531 and 2013 c 242 s 8 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4)

of this section multiplied by the district's maximum levy percentage as defined in subsection (7) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (7) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ((2017)) 2018, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a)(i) For levy collections in calendar year 2010, the difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by



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chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 28A.505.220;

(ii) For levy collections in calendar years 2011 through ((2017)) 2018, the allocation rate the district would have received in the prior school year using the Initiative 728 rate multiplied by the full-time equivalent student enrollment used to calculate the Initiative 728 allocation for the prior school year; and

(b) The difference between the allocations the district would have received the prior school year using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205.

(5) For levy collections in calendar years 2011 through ((2017)) 2018, in addition to the allocations included under subsections (3)(a) through (c) and (4)(a) and (b) of this section, a district's levy base shall also include the difference between an allocation of fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four enrolled in the prior school year and the allocation of certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four that the district actually received in the prior school year, except that the levy base for a school district whose allocation in the 2009-10 school year was less than fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades kindergarten through four shall include the difference between the allocation the district actually received in the 2009-10 school year and the allocation the district actually received in the prior school year.

(6) For levy collections beginning in calendar year 2014 and thereafter, in addition to the allocations included under subsections (3)(a) through (c), (4)(a) and (b), and (5) of this section, a district's levy base shall also include the funds allocated by the superintendent of public instruction under RCW 28A.715.040 to a school that is the subject of a state-tribal education compact and that formerly contracted with the school district to provide educational services through an interlocal agreement and received funding from the district.

(7)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ((2017)) 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(ii) For 2011 through ((2017)) 2018, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (8) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection.

(8) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be

finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

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

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 rate" means the allocation rate at which the student achievement program would have been funded under chapter 3, Laws of 2001, if all annual adjustments to the initial 2001 allocation rate had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's state allocation for annual salary cost-of-living increases for district employees in the state-funded salary base as it would have been calculated under chapter 4, Laws of 2001, if each annual cost-of-living increase allocation had been provided in previous years and in each subsequent year.

(10) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(11) The superintendent of public instruction shall develop rules and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(12) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

(13) For levies collected in calendar year 2018 and thereafter, levy collections must be deposited into a local revenue subfund of the general fund to enable a detailed accounting of the amount and object of expenditures from the levy collections. The office of the superintendent of public instruction must collaborate with the office of the state auditor to develop guidance for districts to carry out this requirement.

(14) To ensure that levies for maintenance and operation support under RCW 84.52.053 are not used for basic education programs, beginning with ballot propositions submitted to the voters in calendar year 2018, districts must provide a report to the office of the superintendent of public instruction detailing the programs and activities to be funded through a maintenance and operation levy. Enrichment beyond the state-provided funding in the omnibus appropriations act for the basic education program components under RCW 28A.150.260 is a permitted use of maintenance and operation levies. The report required by this subsection must be submitted to, and approved by, the office of the superintendent of public instruction prior to the election for the proposition.

**Sec. 7.** RCW 84.52.0531 and 2010 c 237 s 2 and 2010 c 99 s 11 are each reenacted and amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b), (c), and (d) of this subsection minus (e) of this subsection:

(a) The district's levy base as defined in subsection (3) of this

section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under RCW 28A.340.080 shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4)(a) A district's maximum levy percentage shall be twenty-four percent in 2010 and twenty-eight percent in 2011 through ((2017)) 2018 and twenty-four percent every year thereafter;

(b) For qualifying districts, in addition to the percentage in (a) of this subsection the grandfathered percentage determined as follows:

(i) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; ((and))

(ii) For 2011 through ((2017)) 2018, the percentage calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(ii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(ii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(ii)(C) of this subsection;

(ii) For ((2018)) 2019 and thereafter, the percentage shall be calculated as follows:

(A) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(B) Reduce the result of (b)(iii)(A) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(C) Divide the result of (b)(iii)(B) of this subsection by the district's levy base; and

(D) Take the greater of zero or the percentage calculated in (b)(iii)(C) of this subsection.

(5) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (3) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(6) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(7) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(8) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(10) For levies collected in calendar year 2018 and thereafter, levy collections must be deposited into a local revenue subfund of the general fund to enable a detailed accounting of the amount and object of expenditures from the levy collections. The office of the superintendent of public instruction must collaborate with the office of the state auditor to develop guidance for districts to carry out this requirement.

(11) To ensure that levies for maintenance and operation support under RCW 84.52.053 are not used for basic education programs, beginning with ballot propositions submitted to the voters in calendar year 2018, districts must provide a report to the office of the superintendent of public instruction detailing the programs and activities to be funded through a maintenance and operation levy. Enrichment beyond the state-provided funding in the omnibus appropriations act for the basic education program components under RCW 28A.150.260 is a permitted use of maintenance and operation levies. The report required by this subsection must be submitted to, and approved by, the office of the superintendent of public instruction prior to the election for

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the proposition.

**Sec. 8.** 2013 c 242 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ((2018)) 2019.

**Sec. 9.** 2012 1st sp.s. c 10 s 10 (uncodified) is amended to read as follows:

Section 8 of this act expires January 1, ((2018)) 2019.

**Sec. 10.** 2010 c 237 s 9 (uncodified) is amended to read as follows:

Sections 1, 5, and 6 of this act expire January 1, ((2018)) 2019.

**Sec. 11.** 2010 c 237 s 8 (uncodified) is amended to read as follows:

This act expires January 1, ((2018)) 2019.

**Sec. 12.** 2010 c 237 s 10 (uncodified) is amended to read as follows:

Section 2 of this act takes effect January 1, ((2018)) 2019.

**Sec. 13.** 2016 c 202 s 56 (uncodified) is amended to read as follows:

Section 957 of this act expires January 1, ((2018)) 2019.

**NEW SECTION. Sec. 14.** Section 2 of this act takes effect January 1, 2018.

**NEW SECTION. Sec. 15.** Section 2 of this act expires January 1, 2019.

**NEW SECTION. Sec. 16.** Section 3 of this act takes effect January 1, 2019."

On page 1, line 2 of the title, after "lid;" strike the remainder of the title and insert "amending RCW 84.52.0531; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2016 c 202 s 56 (uncodified); reenacting and amending RCW 84.52.0531; creating a new section; providing effective dates; and providing expiration dates."

## MOTION

Senator Fain moved that the following floor amendment no. 137 by Senator Fain be adopted:

On page 11, beginning on line 1 of the title amendment, after "after" strike "lid;" and insert "Relating to"

On page 11, line 2 of the title amendment, after "insert" insert "modifying provisions relating to school district excess levies;"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 137 by Senator Fain on page 11, line 1 to floor amendment no. 136.

The motion by Senator Fain carried and floor amendment no. 137 was adopted by voice vote.

Senators Fain and Rolfes spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 136 by Senator Fain, as amended, to Senate Bill No. 5023.

The motion by Senator Fain carried and floor striking amendment no. 136, as amended, was adopted by voice vote.

## MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Senate Bill No. 5023 was advanced to third reading, the second reading considered the third and the bill was placed on

final passage.

Senators Wellman, Zeiger, Billig, Rolfes and Braun spoke in favor of passage of the bill.

Senator Baumgartner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5023.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5023 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Baumgartner

ENGROSSED SENATE BILL NO. 5023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## REMARKS BY THE PRESIDENT

President Habib: "The President would like to take a moment to acknowledge all the hard work of the staff, the rostrum staff, the two attorneys who are up here with me, the reader who read the entire underlying bill while you all were caucusing, give them all a round of applause. I know this is not one of those days where we have a budget and have the staff come on, but obviously many Education Committee staff and Ways & Means and other staff participated in making this possible, so I really just want to say for those who may not even be here but may be listening or watching, that we thank and recognize all of their hard work."

## PARLIAMENTARY INQUIRY

Senator Erickson: "Could you please clarify for the members of the Senate the official policy in regards to the use of cell phones and the use of cell phones to take pictures on the Senate floor."

## REPLY BY THE PRESIDENT

President Habib: "Cell phones are not permitted on the Senate floor. Their use is not permitted on the Senate floor."

## MOTION

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

## MESSAGES FROM THE HOUSE

March 7, 2017

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1339,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1465,  
 ENGROSSED HOUSE BILL NO. 1480,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1481,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
 NO. 1482,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1538,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
 NO. 1562,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831,  
 ENGROSSED HOUSE BILL NO. 1913,  
 ENGROSSED HOUSE BILL NO. 2003,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2029,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

March 8, 2017

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4402,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 8, 2017

MR. PRESIDENT:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1777,

and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

March 8, 2017

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1042,

HOUSE BILL NO. 1058,

HOUSE BILL NO. 1148,

HOUSE BILL NO. 1281,

SUBSTITUTE HOUSE BILL NO. 1472,

HOUSE BILL NO. 1716,

HOUSE BILL NO. 1861,

HOUSE BILL NO. 2066,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

At 6:45 p.m., on motion of Senator Fain, the Senate adjourned  
 until 12:00 o'clock noon Thursday, March 9, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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