

**TWELFTH DAY**

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AFTERNOON SESSION

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Senate Chamber, Olympia, Sunday, June 23, 2013

The Senate was called to order at 1:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Mullet.

The Sergeant at Arms Color Guard consisting of Senate Staff Jennifer Arnold and Kathleen McGowen, presented the Colors. Senator Shin offered the prayer.

MOTION

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

MOTION

At 1:06 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:18 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

June 23, 2013

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1947,  
 SUBSTITUTE HOUSE BILL NO. 1961,  
 HOUSE BILL NO. 2042,  
 SUBSTITUTE HOUSE BILL NO. 2069,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1947 by House Committee on Appropriations (originally sponsored by Representatives Cody, Hunter, Jinkins and Harris)

AN ACT Relating to ensuring the ongoing sustainability and vitality of the Washington health benefit exchange by providing a financing mechanism sufficient to defray the exchange's operating expenses; amending RCW 43.71.010, 43.71.060, 48.14.0201, 48.14.020, and 48.41.090; adding a new section to chapter 43.71 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.04

RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1961 by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Rodne, Hudgins, Hunter and Ryu)

AN ACT Relating to judicial stabilization trust account surcharges; amending RCW 3.62.060, 36.18.018, and 36.18.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2042 by Representatives Cody, Hunter and Sullivan

AN ACT Relating to modifying the nursing facility medicaid payment system by delaying the rebase of certain rate components and extending certain rate add-ons; amending RCW 74.46.431 and 74.46.501; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2069 by House Committee on Appropriations (originally sponsored by Representatives Hunter and Sullivan)

AN ACT Relating to continuation of safety net benefits for persons determined to have a physical or mental disability which makes them eligible for the aged, blind, and disabled program under RCW 74.62.030 or the essential needs and housing program under RCW 43.185C.220; amending RCW 74.62.030, 74.62.030, 43.185C.220, and 43.185C.230; reenacting and amending RCW 74.09.510, 74.09.035, and 74.09.010; adding a new section to chapter 74.04 RCW; and providing effective dates.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Fain, under suspension of the rules Engrossed Substitute House Bill No. 1947, Substitute House Bill No. 1961, House Bill No. 2042 and Substitute House Bill No. 2069 were placed on the second reading calendar.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5897, by Senate Committee on Ways & Means (originally sponsored by Senator Pearson).

Concerning state parks.

The bill was read on Third Reading.

## MOTION

On motion of Senator Billig, Senator Mullet was excused.

## MOTION

On motion of Senator Hargrove, the rules were suspended and Substitute Senate Bill No. 5897 was returned to second reading for the purpose of amendment.

## SECOND READING

SUBSTITUTE SENATE BILL NO. 5897, by Senate Committee on Ways & Means (originally sponsored by Senator Pearson)

Concerning state parks.

The measure was read the second time.

## MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Pearson be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.80.020 and 2012 c 261 s 2 are each amended to read as follows:

(1) Except as otherwise provided in (~~RCW 79A.80.050, 79A.80.060, and 79A.80.070~~) this chapter, a discover pass is required for any motor vehicle to:

~~(a) Park ((or operate on)) at any recreation site or lands((except for short term parking as may be authorized under RCW 79A.80.070)); or~~

(b) Operate on any recreation site or lands.

(2) ~~Except as provided in section 4 of this act, the cost of a discover pass is thirty dollars. Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.~~

(3) A discover pass is valid for one year beginning from the date that the discover pass is marked for activation. The activation date may differ from the purchase date pursuant to any policies developed by the agencies.

(4) Sales of discover passes must be consistent with RCW 79A.80.100.

(5) The discover pass must contain space for two motor vehicle license plate numbers. A discover pass is valid only for those vehicle license plate numbers written on the pass. However, the agencies may offer for sale a family discover pass that is fully transferable among vehicles and does not require the placement of a license plate number on the pass to be valid. The agencies must collectively set a price for the sale of a family discover pass that is no more than fifty dollars. A discover pass is valid only for use with one motor vehicle at any one time.

(6) One complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on agency-sanctioned volunteer projects in a year. The agency must provide vouchers to volunteers identifying the number of volunteer hours they have provided for each project. The vouchers may be brought to an agency to be redeemed for a discover pass.

**Sec. 2.** RCW 79A.80.030 and 2012 c 261 s 3 are each amended to read as follows:

(1) A person may purchase a day-use permit to meet the requirements of RCW 79A.80.080. Except as provided in section 4 of this act, a day-use permit is ten dollars per day and must be

available for purchase from each agency. A day-use permit is valid for one calendar day.

(2) The agencies may provide short-term parking under RCW 79A.80.070 where a day-use permit is not required.

(3) Every four years the office of financial management must review the cost of the day-use permit and, if necessary, recommend to the legislature an adjustment to the cost of the day-use permit to account for inflation.

(4) Sales of day-use permits must be consistent with RCW 79A.80.100.

**Sec. 3.** RCW 79A.80.080 and 2012 c 261 s 7 are each amended to read as follows:

(1) A discover pass, vehicle access pass, or day-use permit must be visibly displayed in the front windshield, or otherwise in a prominent location for motor vehicles without a windshield, of any motor vehicle (~~or otherwise in a prominent location for vehicles without a windshield~~):

(a) Operating on ~~((a))~~ any recreation site or lands; or

(b) Parking at ~~((a))~~ any recreation site or lands.

(2) The discover pass, the vehicle access pass, or the day-use permit is not required;

~~(a) On private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted((~~

~~(3) The discover pass, the vehicle access pass, or the day-use permit is not required for:~~

~~((a));~~

~~(b) For persons who use, possess, or enter lands owned or managed by the agencies for nonrecreational purposes consistent with a written authorization from the agency, including but not limited to leases, contracts, and easements; ((or~~

~~(b))) (c) On department of fish and wildlife lands only, for persons possessing a current vehicle access pass pursuant to RCW 79A.80.040; or~~

~~(d) When operating on a road managed by the department of natural resources or the department of fish and wildlife, including a forest or land management road, that is not blocked by a gate.~~

~~((4)) (3)(a) An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.~~

(b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.

~~((5)) (4) Failure to comply with subsection (1) of this section is a natural resource infraction under chapter 7.84 RCW. An agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any motor vehicle that fails to comply with subsection (1)(b) of this section.~~

~~((6)) (5) The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty must be reduced to fifty-nine dollars if an individual provides proof of purchase of a discover pass to the court within fifteen days after the issuance of the notice of violation.~~

NEW SECTION. **Sec. 4.** A new section is added to chapter 79A.80 RCW to read as follows:

(1) By mutual agreement, the agencies may sell discounted discover passes at a rate below that established under RCW 79A.80.020 or discounted day-use permits at a rate below that established under RCW 79A.80.030 for purposes of bulk sales to

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retailers, agency license and permit product bundling, and partnership opportunities to expand accessibility and visibility of the discover pass and recreational opportunities on agency-managed lands.

(2) In exercising this authority, the agencies must prioritize opportunities for discounted sales that result in a net revenue gain.

**Sec. 5.** RCW 82.19.040 and 2001 c 118 s 6 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) Taxes collected under this chapter shall be ~~((deposited in))~~ distributed as follows: (a) Five million dollars per fiscal year must be deposited in equal monthly amounts to the state parks renewal and stewardship account under RCW 79A.05.215; and (b) the remainder to the waste reduction, recycling, and litter control account under RCW 70.93.180.

**Sec. 6.** RCW 70.93.180 and 2011 1st sp.s. c 50 s 963 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All ~~((taxes imposed in RCW 82.19.010))~~ moneys directed to the waste reduction, recycling, and litter control account under RCW 82.19.040 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the ~~((waste reduction, recycling, and litter control))~~ account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

~~((4) During the 2009-2011 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control~~

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~~account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2009-2011 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.~~

~~((5) During the 2011-2013 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. Additionally, during the 2011-2013 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.))~~

**Sec. 7.** RCW 79A.05.215 and 2011 c 320 s 22 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under RCW 46.16A.090(3), and other state park-based activities shall be deposited into the account. The proceeds from the recreation access pass account created in RCW 79A.80.090 ~~((must))~~ and amounts received under RCW 82.19.040 may only be used for the purpose of operating and maintaining state parks. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

NEW SECTION. **Sec. 8.** Sections 5 through 7 of this act expire June 30, 2017.

NEW SECTION. **Sec. 9.** Sections 5 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2013."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Pearson to Substitute Senate Bill No. 5897.

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

#### MOTION

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

On page 1, line 1 of the title, after "parks;" strike the remainder of the title and insert "amending RCW 79A.80.020, 79A.80.030, 79A.80.080, 82.19.040, 70.93.180, and 79A.05.215; adding a new section to chapter 79A.80 RCW; providing an effective date; providing an expiration date; and declaring an emergency."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5897 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5897.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5897 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Mullet

ENGROSSED SUBSTITUTE SENATE BILL NO. 5897, 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. 5948, by Senators Braun, Chase, O'Ban, Keiser, Padden, Hill, Holmquist Newbry, Becker and Brown

Concerning state procurement of goods and services.

The measure was read the second time.

#### MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5948 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Chase 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. 5948.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5948 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Mullet

SENATE BILL NO. 5948, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### THIRD READING

SENATE BILL NO. 5910, by Senators Hill, Murray, Nelson, Baumgartner and Hargrove.

Providing that a quarterly revenue forecast is due on February 20th during both a long and short legislative session year.

The bill was read on Third Reading.

Senator Hill 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. 5910.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Mullet

#### PARLIAMENTARY INQUIRY

Senator Nelson: "I don't believe the bill was moved for adoption and it is an important piece of legislation so I just wanted to make that inquiry."

#### REPLY BY THE PRESIDENT

President Owen: "The bill was appropriately before us on third reading."

SENATE BILL NO. 5910, 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.

#### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Kline).

Reducing corrections costs.

The bill was read on Third Reading.

#### MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Substitute Senate Bill No. 5892 was returned to second reading for the purpose of amendment.

#### SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Kline)

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Reducing corrections costs.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Hill be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.517 and 2002 c 290 s 8 are each amended to read as follows:

(1)

TABLE 3

DRUG OFFENSE SENTENCING GRID

| Seriousness Level | Offender Score 0 to 2 | Offender Score 3 to 5                  | Offender Score 6 to 9 or more |
|-------------------|-----------------------|--|-------------------------------|
| III               | 51 to 68 months       | 68+ to 100 months                      | 100+ to 120 months            |
| II                | 12+ to 20 months      | 20+ to 60 months                       | 60+ to 120 months             |
| I                 | 0 to 6 months         | 6+ to <del>(48)</del> <u>12</u> months | 12+ to 24 months              |

References to months represent the standard sentence ranges. 12+ equals one year and one day.

(2) The court may utilize any other sanctions or alternatives as authorized by law, including but not limited to the special drug offender sentencing alternative under RCW 9.94A.660 or drug court under RCW 2.28.170.

(3) Nothing in this section creates an entitlement for a criminal defendant to any specific sanction, alternative, sentence option, or substance abuse treatment.

Sec. 2. RCW 9.94A.729 and 2011 1st sp.s. c 40 s 4 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the ~~((amount))~~ number of days of ~~((earned))~~ early release ~~((time))~~ credits lost or not earned. The department may approve a jail certification from a correctional agency that calculates ~~((earned))~~ early release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. The department must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department's facilities. However, the department is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(d) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or

present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. The voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) For each offender who is the recipient of a rental voucher, the department shall include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

**Sec. 3.** RCW 70.48.130 and 2011 1st sp.s. c 15 s 85 are each amended to read as follows:

(1) It is the intent of the legislature that all jail inmates receive appropriate and cost-effective emergency and necessary medical care. Governing units, the health care authority, and medical care providers shall cooperate to achieve the best rates consistent with adequate care.

(2) Payment for emergency or necessary health care shall be by the governing unit, except that the health care authority shall directly reimburse the provider pursuant to chapter 74.09 RCW, in accordance with the rates and benefits established by the authority, if the confined person is eligible under the authority's medical care programs as authorized under chapter 74.09 RCW. After payment by the authority, the financial responsibility for any remaining balance, including unpaid client liabilities that are a condition of eligibility or participation under chapter 74.09 RCW, shall be borne by the medical care provider and the governing unit as may be mutually agreed upon between the medical care provider and the governing unit. In the absence of mutual agreement between the medical care provider and the governing unit, the financial responsibility for any remaining balance shall be borne equally between the medical care provider and the governing unit. Total payments from all sources to providers for care rendered to confined persons (~~eligible under chapter 74.09 RCW~~) shall not exceed the amounts that would be paid by the authority for similar services provided under Title XIX medicaid, unless additional resources are obtained from the confined person.

(3) Providers of hospital services that are hospitals licensed under chapter 70.41 RCW shall contract with a correctional facility for inpatient, outpatient, and ancillary services if deemed appropriate by the correctional facility. Except in a county in which there is a single hospital with which the local correctional facilities may contract and with a state correctional facility housing more than one thousand five hundred offenders, the correctional facility may only reimburse a provider of hospital services at a rate no more than the amount payable under the medicaid reimbursement structure, plus any additional amount provided specifically for this purpose in the state omnibus appropriations act, regardless of whether the hospital is located within or outside of Washington. In a county in which there is a single hospital with which the local correctional facilities may contract and with a state

correctional facility housing more than one thousand five hundred offenders, the department of corrections shall pay the difference between the medicaid reimbursement and the amount agreed to by the correctional facility and the provider of hospital services. A correctional facility may participate, at the correctional facility's expense, in the provider one system operated by the Washington state health care authority for payment of hospital services through a process coordinated by the department of corrections pursuant to this section.

~~(4)~~ (4) As part of the screening process upon booking or preparation of an inmate into jail, general information concerning the inmate's ability to pay for medical care shall be identified, including insurance or other medical benefits or resources to which an inmate is entitled. This information shall be made available to the authority, the governing unit, and any provider of health care services.

~~(5)~~ (5) The governing unit or provider may obtain reimbursement from the confined person for the cost of health care services not provided under chapter 74.09 RCW, including reimbursement from any insurance program or from other medical benefit programs available to the confined person. Nothing in this chapter precludes civil or criminal remedies to recover the costs of medical care provided jail inmates or paid for on behalf of inmates by the governing unit. As part of a judgment and sentence, the courts are authorized to order defendants to repay all or part of the medical costs incurred by the governing unit or provider during confinement.

~~(6)~~ (6) To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for the authority's medical care programs under chapter 74.09 RCW, or for coverage from private sources, and in the absence of an interlocal agreement or other contracts to the contrary, the governing unit may obtain reimbursement for the cost of such medical services from the unit of government whose law enforcement officers initiated the charges on which the person is being held in the jail: PROVIDED, That reimbursement for the cost of such services shall be by the state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility.

~~(7)~~ (7) There shall be no right of reimbursement to the governing unit from units of government whose law enforcement officers initiated the charges for which a person is being held in the jail for care provided after the charges are disposed of by sentencing or otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

~~(8)~~ (8) Under no circumstance shall necessary medical services be denied or delayed because of disputes over the cost of medical care or a determination of financial responsibility for payment of the costs of medical care provided to confined persons.

~~(9)~~ (9) Nothing in this section shall limit any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided.

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.41 RCW to read as follows:

As a condition of licensure, a hospital must contract with a correctional facility as defined in RCW 70.48.020.

**Sec. 5.** RCW 9.92.151 and 2009 c 28 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the sentence of a prisoner confined in a county jail facility for a felony, gross misdemeanor, or misdemeanor conviction may be reduced by earned release credits in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction. The earned early release time shall be for good behavior and good performance as determined by the correctional agency having jurisdiction. Any program established pursuant to

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this section shall allow an offender to earn early release credits for presentence incarceration. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

(2) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

(3) If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned.

NEW SECTION. Sec. 6. Pursuant to RCW 9.94A.729, the department shall recalculate the earned release date for any offender currently serving a term in a facility or institution either operated by the state or utilized under contract. The earned release date shall be recalculated whether the offender is currently incarcerated or is sentenced after the effective date of this section, and regardless of the offender's date of offense. For offenders whose offense was committed prior to the effective date of this section, the recalculation shall not extend a term of incarceration beyond that to which an offender is currently subject.

NEW SECTION. Sec. 7. The legislature declares that section 6 of this act does not create any liberty interest. The department is authorized to take the time reasonably necessary to complete the recalculations of section 6 of this act after the effective date of this section.

NEW SECTION. Sec. 8. Section 1 of this act applies to sentences imposed on or after July 1, 2013, regardless of the date of offense.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 and 2 and 5 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2013."

#### MOTION

Senator Hargrove moved that the following amendment by Senators Hewitt and Hargrove to the striking amendment be adopted:

On page 5, line 26, after "there" strike "is" and insert: "are  
(1)"

On page 5, line 29, after "offenders" insert: ";"

(2) two hospitals with which the local correctional facilities may contract and with a state correctional facility housing more than two thousand offenders"

On page 5, line 37, after "offenders" insert: "or in a county in which there are two hospitals with the local correctional facilities may contract and with a state correctional facility housing more than two thousand offenders"."

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Hewitt and Hargrove on page 5, line 26 to the striking amendment to Second Engrossed Substitute Senate Bill No. 5892.

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

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Hill as amended to Engrossed Substitute Senate Bill No. 5892.

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

#### MOTION

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

On page 1, line 1 of the title, after "costs;" strike the remainder of the title and insert "amending RCW 9.94A.517, 9.94A.729, 70.48.130, and 9.92.151; adding a new section to chapter 70.41 RCW; creating new sections; providing an effective date; and declaring an emergency."

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5892 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5892.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5892 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Billig, Braun, Chase, Conway, Dammeier, Darneille, Eide, Erickson, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, O'Ban, Parlette, Ranker, Schlicher, Schoesler, Sheldon, Shin and Tom

Voting nay: Senators Benton, Brown, Cleveland, Holmquist Newbry, Padden, Pearson, Rivers, Roach, Rolfes and Smith

Excused: Senator Mullet

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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

#### SECOND READING

HOUSE BILL NO. 2042, by Representatives Cody, Hunter and Sullivan

Modifying the nursing facility medicaid payment system by delaying the rebase of certain rate components and extending certain rate add-ons.

The measure was read the second time.

#### MOTION

On motion of Senator Dammeier, the rules were suspended, House Bill No. 2042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2042.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2042 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, O'Ban, Parlette, Ranker, Rivers, Rolfes, Schlicher, Schoesler, Shin and Tom

Voting nay: Senators Brown, Holmquist Newbry, Padden, Pearson, Roach, Sheldon and Smith

Excused: Senator Mullet

HOUSE BILL NO. 2042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1961, by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Rodne, Hudgins, Hunter and Ryu)

Extending the expiration date for judicial stabilization trust account surcharges.

The measure was read the second time.

#### MOTION

Senator Padden moved that the following amendment by Senator Padden be adopted:

On page 3, line 1, after "~~((2013))~~" strike "2017" and insert "2015"

On page 3, line 3, after "of" strike "thirty" and insert "~~((thirty))~~ twenty-five"

On page 3, line 23, after "~~((2013))~~" strike "2017" and insert "2015"

On page 3, line 24, after "surcharge of" strike "forty" and insert "~~((forty))~~ thirty-five"

On page 5, line 11, after "~~((2013))~~" strike "2017" and insert "2015"

On page 5, line 18, after "surcharge of" strike "thirty" and insert "~~((thirty))~~ twenty-five"

On page 5, line 21, after "of" strike "forty" and insert "~~((forty))~~ thirty-five"

Senators Padden and Roach spoke in favor of adoption of the amendment.

Senators Kline and Hill spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 3, line 1 to Substitute House Bill No. 1961.

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

#### MOTION

On motion of Senator Hill, the rules were suspended, Substitute House Bill No. 1961 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1961.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1961 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hill, Hobbs, Keiser, Kline, Kohl-Welles, Litzow, McAuliffe, Murray, Nelson, O'Ban, Ranker, Rolfes, Shin and Tom

Voting nay: Senators Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Ericksen, Hewitt, Holmquist Newbry, Honeyford, King, Padden, Parlette, Pearson, Rivers, Roach, Schlicher, Schoesler, Sheldon and Smith

Excused: Senator Mullet

SUBSTITUTE HOUSE BILL NO. 1961, 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 5:10 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon Monday, June 24, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate





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|--|---|---|---------|
| 1947-S                                       |   | 5892-S                                      |         |
| Introduction & 1 <sup>st</sup> Reading ..... | 1 | Other Action .....                          | 4, 7    |
| Messages .....                               | 1 | Second Reading .....                        | 4, 5, 7 |
| Other Action .....                           | 1 | Third Reading .....                         | 4       |
| 1961-S                                       |   | Third Reading Final Passage.....            | 7       |
| Introduction & 1 <sup>st</sup> Reading ..... | 1 | 5897-S                                      |         |
| Messages .....                               | 1 | Other Action .....                          | 2, 3    |
| Other Action .....                           | 1 | Second Reading .....                        | 2       |
| Second Reading .....                         | 8 | Third Reading .....                         | 1       |
| Third Reading Final Passage .....            | 8 | Third Reading Final Passage.....            | 4       |
| 2042   |   | 5910  |         |
| Introduction & 1 <sup>st</sup> Reading ..... | 1 | Third Reading .....                         | 4       |
| Messages .....                               | 1 | Third Reading Final Passage.....            | 4       |
| Other Action .....                           | 1 | 5948  |         |
| Second Reading .....                         | 7 | Second Reading .....                        | 4       |
| Third Reading Final Passage .....            | 8 | Third Reading Final Passage.....            | 4       |
| 2069-S                                       |   | PRESIDENT OF THE SENATE                     |         |
| Introduction & 1 <sup>st</sup> Reading ..... | 1 | Reply by the President .....                | 4       |
| Messages .....                               | 1 | WASHINGTON STATE SENATE                     |         |
| Other Action .....                           | 1 | Parliamentary Inquiry, Senator Nelson ..... | 4       |