

NINETY SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 19, 2013

The Senate was called to order at 9:00 a.m. by President Owen. No roll call was taken.

MOTION

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

MOTION

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

POINT OF ORDER

Senator Fain: "Senator Litzow is being awfully loud in the gallery and I just wanted to..."

REPLY BY THE PRESIDENT

President Owen: "Would the Sergeant at Arms please clear the, take him under arrest."

REPORTS OF STANDING COMMITTEES

April 18, 2013

SB 5024 Prime Sponsor, Senator King: Making transportation appropriations for the 2011-2013 and 2013-2015 fiscal biennia. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5024 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Vice Co-Chair; Eide, Co-Chair; Hobbs, Vice Co-Chair; King, Co-Chair; Billig; Brown; Ericksen; Fain, Budget Leadership Cabinet; Harper; Litzow; Mullet; Rolfes; Schlicher; Sheldon and Smith.

Passed to Committee on Rules for second reading.

April 18, 2013

SB 5906 Prime Sponsor, Senator Roach: Maintaining access to state recreational lands managed by the department of natural resources. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5906 be substituted therefor, and the substitute bill do pass. Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Baumgartner, Vice Chair; Bailey; Becker; Braun; Conway; Dammeier; Fraser; Hasegawa; Hatfield; Kohl-Welles; Nelson, Assistant Ranking Member; Padden; Parlette; Ranker; Rivers; Schoesler and Tom.

Passed to Committee on Rules for second reading.

April 18, 2013

SB 5910 Prime Sponsor, Senator Hill: Providing that a quarterly revenue forecast is due on February 20th during both a long and short legislative session year. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 18, 2013

SGA 9209 DOROTHY F TEETER, appointed on March 4, 2013, for the term ending at the governors pleasure, as Director of the Washington State Health Care Authority, Administrator. Reported by Committee on Health Care

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey; Frockt; Keiser, Ranking Member; Parlette and Schlicher.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

On motion of Senator Fain, Senator Carrell was excused.

MOTION

At 9:03 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:07 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:
The House has passed:
SUBSTITUTE SENATE BILL NO. 5152,
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- SUBSTITUTE HOUSE BILL NO. 1115,
- SUBSTITUTE HOUSE BILL NO. 1116,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1134,

- SUBSTITUTE HOUSE BILL NO. 1216,
- HOUSE BILL NO. 1277,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1291,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1383,
- ENGROSSED HOUSE BILL NO. 1394,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1432,
- SUBSTITUTE HOUSE BILL NO. 1541,
- HOUSE BILL NO. 1547,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652,
- ENGROSSED HOUSE BILL NO. 1808,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The House has passed:

- ENGROSSED HOUSE BILL NO. 1287,
- ENGROSSED HOUSE BILL NO. 1421,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.

1437,

- HOUSE BILL NO. 1634,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The House has passed:

- SUBSTITUTE HOUSE BILL NO. 1957,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978,
- SUBSTITUTE HOUSE BILL NO. 1986,
- HOUSE BILL NO. 1988,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE SENATE BILL NO. 5008,
- SENATE BILL NO. 5030,
- SENATE BILL NO. 5056,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5095,
- SENATE BILL NO. 5149,
- SUBSTITUTE SENATE BILL NO. 5180,
- SENATE BILL NO. 5258,
- SENATE BILL NO. 5343,
- SUBSTITUTE SENATE BILL NO. 5362,
- SUBSTITUTE SENATE BILL NO. 5396,

- SUBSTITUTE SENATE BILL NO. 5444,
- SENATE BILL NO. 5496,
- SUBSTITUTE SENATE BILL NO. 5559,
- SENATE BILL NO. 5593,
- SECOND ENGROSSED SENATE BILL NO. 5701,
- SENATE BILL NO. 5770,
- SENATE BILL NO. 5806,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The Speaker has signed:

- SENATE BILL NO. 5052,
- SUBSTITUTE SENATE BILL NO. 5182,
- SUBSTITUTE SENATE BILL NO. 5195,
- SUBSTITUTE SENATE BILL NO. 5263,
- SUBSTITUTE SENATE BILL NO. 5264,
- SENATE BILL NO. 5297,
- SENATE BILL NO. 5411,
- SUBSTITUTE SENATE BILL NO. 5416,
- SENATE BILL NO. 5476,
- ENGROSSED SENATE BILL NO. 5603,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5669,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5681,
- SUBSTITUTE SENATE BILL NO. 5702,
- SENATE BILL NO. 5715,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The Speaker has signed:

- HOUSE BILL NO. 1003,
- SUBSTITUTE HOUSE BILL NO. 1009,
- SUBSTITUTE HOUSE BILL NO. 1012,
- HOUSE BILL NO. 1045,
- HOUSE BILL NO. 1065,
- SUBSTITUTE HOUSE BILL NO. 1071,
- SUBSTITUTE HOUSE BILL NO. 1075,
- HOUSE BILL NO. 1149,
- HOUSE BILL NO. 1218,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1381,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1403,
- SUBSTITUTE HOUSE BILL NO. 1420,
- SUBSTITUTE HOUSE BILL NO. 1456,
- HOUSE BILL NO. 1468,
- SUBSTITUTE HOUSE BILL NO. 1568,
- HOUSE BILL NO. 1576,
- SUBSTITUTE HOUSE BILL NO. 1613,
- SUBSTITUTE HOUSE BILL NO. 1617,
- SUBSTITUTE HOUSE BILL NO. 1629,
- HOUSE BILL NO. 1644,
- HOUSE BILL NO. 1683,
- SUBSTITUTE HOUSE BILL NO. 1822,
- HOUSE BILL NO. 1863,
- SUBSTITUTE HOUSE BILL NO. 1868,
- ENGROSSED HOUSE BILL NO. 1887,

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and the same are herewith transmitted.

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BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2013

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1021,
- HOUSE BILL NO. 1036,
- SUBSTITUTE HOUSE BILL NO. 1180,
- SUBSTITUTE HOUSE BILL NO. 1200,
- HOUSE BILL NO. 1203,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247,
- SUBSTITUTE HOUSE BILL NO. 1256,
- SUBSTITUTE HOUSE BILL NO. 1261,
- SUBSTITUTE HOUSE BILL NO. 1270,
- SUBSTITUTE HOUSE BILL NO. 1271,
- HOUSE BILL NO. 1330,
- SUBSTITUTE HOUSE BILL NO. 1370,
- SUBSTITUTE HOUSE BILL NO. 1397,
- SUBSTITUTE HOUSE BILL NO. 1422,
- HOUSE BILL NO. 1447,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480,
- SUBSTITUTE HOUSE BILL NO. 1498,
- SUBSTITUTE HOUSE BILL NO. 1499,
- HOUSE BILL NO. 1534,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1717,
- HOUSE BILL NO. 1738,
- SUBSTITUTE HOUSE BILL NO. 1812,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

MOTION

Senator Kline moved adoption of the following resolution:

SENATE RESOLUTION
8652

By Senators Kline, Frockt, Hargrove, Cleveland, Smith, Parlette, Rolfes, Pearson, Bailey, Becker, Honeyford, Roach, Padden, Litzow, Murray, and Ericksen

WHEREAS, The United States Constitution is the supreme law of our nation, and this body has full confidence in its ability to endure all tests; and

WHEREAS, Many immigrants came to our nation to escape government-sanctioned persecution of their faith; and

WHEREAS, This body believes that any law which is designed to restrict the liberty of one faith tradition erodes the founding principle of religious liberty and that it is, as James Madison wrote in 1785, proper to "take alarm" at any such "experiment on our liberties"; and

WHEREAS, Our state has a history of embracing individuals' right to practice the faith tradition of their choice within the law and free of government interference; and

WHEREAS, A multiplicity of religious beliefs, traditions, and heritages bring strength to our state; and

WHEREAS, This body believes that it is not the role of the legislature of Washington State to disparage or marginalize any religious tradition; and

WHEREAS, This body finds abhorrent all forms of discrimination, including those forms of discrimination targeting religion or belief; and

WHEREAS, Our state benefits from a number of individuals and institutions whose faith motivates them to provide food to the hungry, shelter to the needy, inexpensive or free health services, and other humanitarian services; and

WHEREAS, Religious leaders who facilitate conflict resolution often achieve results that ease the burdens on our courts;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, that diverse religious beliefs, traditions, and heritages are welcome in Washington, and that this body has full confidence in the United States Constitution and the laws of the state of Washington and does not entertain concern that religious practices, beliefs, or laws offer a threat to the law of our land.

Senators Kline, Padden and Conway spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8652.

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

INTRODUCTION OF SPECIAL GUESTS

The President recognized representatives and organizations celebrating religious freedom in Washington including: Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia; Shayk Ahmed Noor, Imam, Abubakr Islamic Center & Mosque, Tukwila; Mark Moloscia, Washington Catholic Conference; Ms. Jackie O’Ryan, Co-Director, Faith Action Network of Washington; Ms. Jasmit Singh, Gurudwara Singh Sabha, Washington, of the Sikh faith; and Mr. Arsalan Bukhari, Executive Director, Washington State Chapter of the Council on American-Islamic Relations, who were present in the gallery.

MOTION

At 10:19 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:12 a.m. by President Owen.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5666 and the House amendment(s) thereto: Senators Dammeier, Becker, and Frockt.

MOTION

On motion of Senator Fain, the appointments to the conference committee were confirmed.

SIGNED BY THE PRESIDENT

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

SUBSTITUTE HOUSE BILL NO. 1021,

HOUSE BILL NO. 1036,
 SUBSTITUTE HOUSE BILL NO. 1180,
 SUBSTITUTE HOUSE BILL NO. 1200,
 HOUSE BILL NO. 1203,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1247,
 SUBSTITUTE HOUSE BILL NO. 1256,
 SUBSTITUTE HOUSE BILL NO. 1261,
 SUBSTITUTE HOUSE BILL NO. 1270,
 SUBSTITUTE HOUSE BILL NO. 1271,
 HOUSE BILL NO. 1330,
 SUBSTITUTE HOUSE BILL NO. 1370,
 SUBSTITUTE HOUSE BILL NO. 1397,
 SUBSTITUTE HOUSE BILL NO. 1422,
 HOUSE BILL NO. 1447,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1480,
 SUBSTITUTE HOUSE BILL NO. 1498,
 SUBSTITUTE HOUSE BILL NO. 1499,
 HOUSE BILL NO. 1534,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1717,
 HOUSE BILL NO. 1738,
 SUBSTITUTE HOUSE BILL NO. 1812.

SIGNED BY THE PRESIDENT

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

HOUSE BILL NO. 1003,
 SUBSTITUTE HOUSE BILL NO. 1009,
 SUBSTITUTE HOUSE BILL NO. 1012,
 HOUSE BILL NO. 1045,
 HOUSE BILL NO. 1065,
 SUBSTITUTE HOUSE BILL NO. 1071,
 SUBSTITUTE HOUSE BILL NO. 1075,
 HOUSE BILL NO. 1149,
 HOUSE BILL NO. 1218,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1381,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1403,
 SUBSTITUTE HOUSE BILL NO. 1420,
 SUBSTITUTE HOUSE BILL NO. 1456,
 HOUSE BILL NO. 1468,
 SUBSTITUTE HOUSE BILL NO. 1568,
 HOUSE BILL NO. 1576,
 SUBSTITUTE HOUSE BILL NO. 1613,
 SUBSTITUTE HOUSE BILL NO. 1617,
 SUBSTITUTE HOUSE BILL NO. 1629,
 HOUSE BILL NO. 1644,
 HOUSE BILL NO. 1683,
 SUBSTITUTE HOUSE BILL NO. 1822,
 HOUSE BILL NO. 1863,
 SUBSTITUTE HOUSE BILL NO. 1868,
 ENGROSSED HOUSE BILL NO. 1887.

MOTION

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

SECOND READING

SENATE BILL NO. 5024, by Senators King, Eide and McAuliffe

Making transportation appropriations for the 2011-2013 and 2013-2015 fiscal biennia.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5024 was substituted for Senate Bill No. 5024 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Roach moved that the following amendment by Senator Roach and others be adopted:

On page 8, beginning on line 4, strike all of subsections (1) and (2)

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

Senator Roach spoke in favor of adoption of the amendment.

Senators Rolfes and King spoke against adoption of the amendment.

MOTION

On motion of Senator Billig, Senator Shin was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach and others on page 8, line 4 to Substitute Senate Bill No. 5024.

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

MOTION

Senator Padden moved that the following amendment by Senators Padden and Kline be adopted:

On page 9, line 10, strike "\$19,429,000" and insert "\$20,002,000"

On page 9, line 13, strike "\$405,342,000" and insert "\$405,915,000"

On page 9, after line 31, insert the following:

"(4) \$573,000 of the highway safety account--state appropriation is provided solely for the ignition interlock program at the Washington State Patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program."

Senators Padden, Frockt and King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Padden and Kline on page 9, line 10 to Substitute Senate Bill No. 5024.

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

MOTION

Senator Bailey moved that the following amendment by Senator Bailey and others be adopted:

on page 21, line 27, after "2013" insert the following:

", except that the project in the Document titled 'Skagit Transit, Everett Connector Expansion' is retitled 'Skagit Transit, Everett Connector', and the project total amount is \$940,000"

On page 22, after line 21, insert the following:

"(8) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies."

WITHDRAWAL OF AMENDMENT

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On motion of Senator Bailey, the amendment by Senator Bailey and others on page 21, line 27 to Substitute Senate Bill No. 5024 was withdrawn.

MOTION

MOTION

Senator King moved that the following amendment by Senators King and Eide be adopted:

On page 28, line 28, strike "\$31,020,000", and insert "\$32,020,000"

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators King and Eide on page 28, line 28 to Substitute Senate Bill No. 5024.

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

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 5024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide, King, Hobbs and Fain spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5024.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5024 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

SUBSTITUTE SENATE BILL NO. 5152.

SECOND READING

SENATE BILL NO. 5785, by Senators Ericksen, Rolfes, King, Ranker and Eide

Modifying requirements for the display and replacement of license plates.

MOTION

On motion of Senator Ericksen, Substitute Senate Bill No. 5785 was substituted for Senate Bill No. 5785 and the substitute bill was placed on the second reading and read the second time.

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.16A.200 and 2011 c 171 s 46 are each amended to read as follows:

(1) **Design.** All license plates may be obtained by the director from the metal working plant of a state correctional facility or from any source in accordance with existing state of Washington purchasing procedures. License plates:

(a) May vary in background, color, and design;

(b) Must be legible and clearly identifiable as a Washington state license plate;

(c) Must designate the name of the state of Washington without abbreviation;

(d) Must be treated with fully reflectorized materials designed to increase visibility and legibility at night;

(e) Must be of a size and color and show the registration period as determined by the director; and

(f) Before July 1, 2010, may display a symbol or artwork approved by the former special license plate review board and the legislature. Beginning July 1, 2010, special license plate series approved by the department and enacted into law by the legislature may display a symbol or artwork approved by the department.

(2) **Exceptions to reflectorized materials.** License plates issued before January 1, 1968, are not required to be treated with reflectorized materials.

(3) **Dealer license plates.** License plates issued to a dealer must contain an indication that the license plates have been issued to a vehicle dealer.

(4)(a) **Furnished.** The director shall furnish to all persons making satisfactory application for a vehicle registration:

(i) Two identical license plates each containing the license plate number; or

(ii) One license plate if the vehicle is a trailer, semitrailer, camper, moped, collector vehicle, horseless carriage, or motorcycle.

(b) The director may adopt types of license plates to be used as long as the license plates are legible.

(5)(a) **Display.** License plates must be:

(i) Attached conspicuously at the front and rear of each vehicle if two license plates have been issued;

(ii) Attached to the rear of the vehicle if one license plate has been issued;

(iii) Kept clean and be able to be plainly seen and read at all times; and

(iv) Attached in a horizontal position at a distance of not more than four feet from the ground.

(b) The Washington state patrol may grant exceptions to this subsection if the body construction of the vehicle makes compliance with this section impossible.

(6) **Change of license classification.** A person who has altered a vehicle that makes the current license plate or plates invalid for the vehicle's use shall:

(a) Surrender the current license plate or plates to the department, county auditor or other agent, or subagent appointed by the director;

(b) Apply for a new license plate or plates; and

(c) Pay a change of classification fee required under RCW 46.17.310.

(7) **Unlawful acts.** It is unlawful to:

(a) Display a license plate or plates on the front or rear of any vehicle that were not issued by the director for the vehicle;

(b) Display a license plate or plates on any vehicle that have been changed, altered, or disfigured, or have become illegible;

(c) Use holders, frames, or other materials that change, alter, or make a license plate or plates illegible. License plate frames may be used on license plates only if the frames do not obscure license tabs or identifying letters or numbers on the plates and the license plates can be plainly seen and read at all times;

(d) Operate a vehicle unless a valid license plate or plates are attached as required under this section;

(e) Transfer a license plate or plates issued under this chapter between two or more vehicles without first making application to transfer the license plates. A violation of this subsection (7)(e) is a traffic infraction subject to a fine not to exceed five hundred dollars. Any law enforcement agency that determines that a license plate or plates have been transferred between two or more vehicles shall confiscate the license plate or plates and return them to the department for nullification along with full details of the reasons for confiscation. Each vehicle identified in the transfer will be issued a new license plate or plates upon application by the owner or owners and the payment of full fees and taxes; or

(f) Fail, neglect, or refuse to endorse the registration certificate ~~((and deliver the license plate or plates to the purchaser or transferee of the vehicle)),~~ except as authorized under this section.

(8) **Transfer.** (a) Standard issue license plates ~~((follow the vehicle))~~ must be replaced when ownership of the vehicle changes ~~((unless)),~~ pursuant to subsection (9)(a)(i) of this section, but the registered owner ~~((wishes to))~~ may retain the license plates and transfer them to a replacement vehicle of the same use. In addition to all other taxes and fees due upon change in ownership, a registered owner wishing to keep standard issue license plates shall pay the license plate transfer fee required under RCW 46.17.200(1)(c) when applying for license plate transfer.

(b) Special license plates and personalized license plates may be treated in the same manner as described in (a) of this subsection unless otherwise limited by law.

(c) License plates issued to the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law may be treated in the same manner as described in (a) of this subsection.

(9) **Replacement.** (a) Except as provided in subsection (8)(a) of this section, an owner or the owner's authorized representative ~~((shall))~~ must apply for a replacement license plate or plates: (i) When taking ownership of the vehicle; (ii) if the current license plate or plates assigned to the vehicle have been lost, defaced, or destroyed~~((;))~~; or (iii) if one or both plates have become so illegible or are in such a condition as to be difficult to distinguish. An owner or the owner's authorized representative may apply for a replacement license plate or plates at any time the owner chooses. The department shall offer to owners the option of retaining the current license plate number when obtaining replacement license plates for the fee required in RCW 46.17.200(1)(b).

(b) The application for a replacement license plate or plates must:

(i) Be on a form furnished or approved by the director; and

(ii) Be accompanied by the fee required under RCW 46.17.200(1)(a).

(c) When a vehicle is sold to a vehicle dealer for resale, the application for a replacement plate or plates need not be made until the vehicle is sold by the vehicle dealer.

(d) The department shall not require the payment of any fee to replace a license plate or plates for vehicles owned, rented, or leased

by foreign countries or international bodies to which the United States government is a signatory by treaty.

(10) **(Periodic replacement.** License plates must be replaced periodically to ensure maximum legibility and reflectivity. The department shall:

(a) Use empirical studies documenting the longevity of the reflective materials used to make license plates;

(b) Determine how frequently license plates must be replaced; and

(c) Offer to owners the option of retaining the current license plate number when obtaining replacement license plates for the fee required in RCW 46.17.200(1)(b).

(11) **Periodic) Replacement--Exceptions.** The following license plates are not required to be ~~((periodically))~~ replaced as required in subsection ~~((10))~~ (9) of this section:

(a) Horseless carriage license plates issued under RCW 46.18.255 before January 1, 1987;

(b) Congressional Medal of Honor license plates issued under RCW 46.18.230;

(c) License plates for commercial motor vehicles with a gross weight greater than twenty-six thousand pounds.

~~((12))~~ (11) **Rules.** The department may adopt rules to implement this section.

~~((13))~~ (12) **Tabs or emblems.** The director may issue tabs or emblems to be attached to license plates or elsewhere on the vehicle to signify initial registration and renewals. Renewals become effective when tabs or emblems have been issued and properly displayed ~~((on license plates)).~~

Sec. 2. RCW 46.16A.020 and 2010 c 161 s 402 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director shall assign a new registration year to a vehicle if:

(a) The ~~((Washington state vehicle registration has expired and))~~ registered ownership ~~((to))~~ of the vehicle is being transferred. The renewed ~~((license))~~ vehicle registration is valid for a full twelve-month period unless: (i) The vehicle changes ownership during the twelve-month period, in which case the registration expires; or (ii) a specific expiration date is required by law, rule, or program; or

(b) The Washington vehicle registration has expired and the registered owner:

(i) Is a member of the United States armed forces;

(ii) Was stationed outside of Washington under military orders during the prior vehicle registration year; and

(iii) Provides the department a copy of the military orders.

(2) Each registration year may be divided into twelve registration months. Each registration month begins at 12:01 a.m. on a day of the month assigned by the department and ends at 12:00 a.m. on the same day the following month.

(3) A registration period extends through the end of the next business day when the final day of a registration year or month falls on a Saturday, Sunday, or legal holiday.

Sec. 3. RCW 46.16A.110 and 2010 c 161 s 428 and 2010 c 8 s 9012 are each reenacted and amended to read as follows:

(1) A registered owner or the registered owner's authorized representative must apply for a renewal vehicle registration to the department, county auditor or other agent, or subagent appointed by the director on a form approved by the director. The application for a renewal vehicle registration must be accompanied by a draft, money order, certified bank check, or cash for all fees and taxes required by law for the application for a renewal vehicle registration.

(2)(a) When a vehicle changes ownership, the person taking ownership or his or her authorized representative must apply for a renewal vehicle registration as provided in subsection (1) of this section and, except as provided in (b) of this subsection, pay all the

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taxes and fees that are due at the time of registration renewal. For the purposes of this section, when a vehicle is sold to a vehicle dealer for resale, the application for a renewal registration need not be made until the vehicle is sold by the vehicle dealer.

(b) The person taking ownership or his or her authorized representative must be given credit for the portion of a motor vehicle excise tax, including the motor vehicle excise tax collected under RCW 81.104.160, that reflects the remaining period for which the tax was initially paid by the previous owner.

(3) An application and the fees and taxes for a renewal vehicle registration must be handled in the same manner as an original vehicle registration application. The registration does not need to show the name of the lien holder when the application for renewal vehicle registration becomes the renewal registration upon validation.

~~((3))~~ (4) A person expecting to be out of state during the normal renewal period of a vehicle registration may renew a vehicle registration and have license plates or tabs preissued by applying for a renewal as described in subsection (1) of this section. A vehicle registration may be renewed for the subsequent registration year up to eighteen months before the current expiration date and must be displayed from the date of issue or from the day of the expiration of the current registration year, whichever date is later.

~~((4))~~ (5) An application for a renewal vehicle registration is not required for those vehicles owned, rented, or leased by:

(a) The state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington; or

(b) A governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior.

Sec. 4. RCW 46.17.200 and 2012 c 74 s 3 are each amended to read as follows:

(1) In addition to all other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge:

(a) The following license plate fees for each license plate, unless the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
Original issue	\$ 10.00	RCW 46.68.070
Reflectivity	\$ 2.00	RCW 46.68.070
Replacement	\$ 10.00	RCW 46.68.070
Original issue, motorcycle	\$ 4.00	RCW 46.68.070
Replacement, motorcycle	\$ 4.00	RCW 46.68.070
Original issue, moped	\$ 1.50	RCW 46.68.070

(b) A license plate retention fee, as required under RCW 46.16A.200~~((10)(e))~~ (9)(a), of twenty dollars if the owner wishes to retain the current license plate number upon license plate replacement, unless the owner or type of vehicle is exempt from payment. The twenty dollar fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c) A ten dollar license plate transfer fee, as required under RCW 46.16A.200(8)(a), when transferring standard issue license plates from one vehicle to another, unless the owner or type of vehicle is exempt from payment. The ten dollar license plate transfer fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(d) Former prisoner of war license plates, as described in RCW 46.18.235, may be transferred to a replacement vehicle upon payment of a five dollar license plate fee, in addition to any other fee required by law.

(2) The department may, upon request, provide license plates that have been used and returned to the department to individuals for nonvehicular use. The department may charge a fee of up to five dollars per license plate to cover costs or recovery for postage and handling. The department may waive the fee for license plates used in educational projects and may, by rule, provide standards for the fee waiver and restrictions on the number of license plates provided to any one person. The fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

Sec. 5. RCW 46.18.130 and 2011 c 171 s 68 are each amended to read as follows:

(1) Revenues generated from the sale of special license plates for those sponsoring organizations who used the application process in RCW 46.18.110 must be deposited into the motor vehicle fund created in RCW 46.68.070 until the department determines that the state's implementation costs have been fully reimbursed.

(2) When it is determined that the state has been fully reimbursed the department must notify the house of representatives and senate transportation committees, the sponsoring organization, and the state treasurer, and begin distributing the revenue as otherwise provided by law.

(3) If reimbursement does not occur within two years from the date the special license plate is first offered for sale to the public, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the special license plate series must be discontinued immediately. Special license plates issued before discontinuation are valid until replaced (~~under RCW 46.16A.200(10))~~).

(4) The department shall:

(a) Provide the special license plate applicant with a written receipt for the payment; and

(b) Maintain a record of each special license plate applicant trust account deposit including, but not limited to, the name and address of each special license plate applicant whose funds are being deposited, the amount paid, and the date of the deposit.

(5) After the department receives written notice that the special license plate applicant's application has been approved by the legislature, the director shall request that the money be transferred to the motor vehicle fund created in RCW 46.68.070.

(6) After the department receives written notice that the special license plate applicant's application has been denied by the department or the legislature, the director shall provide a refund to the applicant within thirty days.

(7) After the department receives written notice that the special license plate applicant's application has been withdrawn by the special license plate applicant, the director shall provide a refund to the applicant within thirty days.

Sec. 6. RCW 46.18.140 and 2010 1st sp.s. c 7 s 97 and 2010 c 161 s 609 are each reenacted and amended to read as follows:

(1) A special license plate series created by the legislature after January 1, 2011, that has not been reviewed and approved by the department is subject to the following requirements:

(a) The organization sponsoring the license plate series shall, within thirty days of enactment of the legislation creating the special license plate series, submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The prepayment will be credited to the motor vehicle fund created in RCW 46.68.070. The creation and implementation of the special

license plate series may not begin until payment is received by the department.

(b) If the sponsoring organization is not able to meet the prepayment requirements in (a) of this subsection and can demonstrate this fact to the satisfaction of the department, the revenues generated from the sale of the special license plates must be deposited in the motor vehicle fund created in RCW 46.68.070 until the department determines that the state's portion of the implementation costs have been fully reimbursed. When it has determined that the state has been fully reimbursed, the department must notify the treasurer to commence distribution of the revenue according to statutory provisions.

(c) The sponsoring organization must provide a proposed special license plate design to the department within thirty days of enactment of the legislation creating the special license plate series.

(2) The state must be reimbursed for its portion of the implementation costs within two years from the date the new special license plate series goes on sale to the public. If the reimbursement does not occur within the two-year time frame, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the special license plate series must be discontinued immediately. Those special license plates issued before discontinuation are valid until replaced ((under RCW 46.16A.200(10)).

(3) If the sponsoring organization ceases to exist or the purpose of the special license plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle fund created in RCW 46.68.070.

(4) A sponsoring organization may not seek to redesign its special license plate series until the entire existing inventory is sold or purchased by the organization itself. All costs for the redesign of a special license plate series must be paid by the sponsoring organization.

NEW SECTION. Sec. 7. This act applies to vehicle registrations that are due or become due on or after January 1, 2014."

Senator Ericksen 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 Ericksen and Rolfes to Substitute Senate Bill No. 5785.

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

MOTION

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

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "amending RCW 46.16A.200, 46.16A.020, 46.17.200, and 46.18.130; reenacting and amending RCW 46.16A.110 and 46.18.140; and creating a new section."

On motion of Senator Ericksen, the rules were suspended, Engrossed Substitute Senate Bill No. 5785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5785.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5785 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5785, 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. 5857, by Senators King and Eide

Concerning vehicle-related fees.

MOTION

On motion of Senator King, Substitute Senate Bill No. 5857 was substituted for Senate Bill No. 5857 and the substitute bill was placed on the second reading and read the second time.

MOTION

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

On page 11, after line 4, insert the following:

"(5) The vehicle owner is solely responsible for obtaining a studded tire permit under this section, and a tire dealer is not obligated to confirm, validate, document, disclose, enforce, report, or educate on the requirements of this section. This section does not create a right of action, whether civil or criminal, against any tire dealer."

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

Senator King spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 11, after line 4 to Substitute Senate Bill No. 5857.

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

MOTION

On motion of Senator King, the rules were suspended, Engrossed Substitute Senate Bill No. 5857 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Eide spoke in favor of passage of the bill. Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5857.

ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5857 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hatfield, Hewitt, Hill, Hobbs, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Parlette, Ranker, Rivers, Rolfes, Schoesler and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Brown, Chase, Ericksen, Hasegawa, Holmquist Newbry, Honeyford, Kline, Padden, Pearson, Roach, Schlicher, Sheldon and Smith

Excused: Senators Carrell and Shin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5002 with the following amendment(s): 5002-S AMH TAKK MURD 073

On page 2, line 3, after "(5)" insert "(a)"

On page 2, after line 11, insert the following:

"(b) For land adjacent to land within the district, a district must give prior written notice to the property owner of the district's intent to enter upon the land for the purposes specified in (a) of this subsection."

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5002.

Senators Honeyford and Hasegawa spoke in favor of the motion.

Senator Benton spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5002.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5002 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5002, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5002, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Nelson, Parlette, Ranker, Roach, Rolfes, Schlicher, Schoesler, Sheldon and Tom

Voting nay: Senators Baumgartner, Becker, Benton, Brown, Ericksen, Holmquist Newbry, Padden, Pearson, Rivers and Smith
Absent: Senator Murray

Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5002, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5022 with the following amendment(s): 5022-S AMH PS H2077.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.56.360 and 2006 c 277 s 3 are each amended to read as follows:

(1) A person commits retail theft with ~~((extenuating))~~ special circumstances if he or she commits theft of property from a mercantile establishment with one of the following ~~((extenuating))~~ special circumstances:

(a) To facilitate the theft, the person leaves the mercantile establishment through a designated emergency exit;

(b) The person was, at the time of the theft, in possession of an item, article, implement, or device designed to overcome security systems including, but not limited to, lined bags or tag removers; or

(c) The person committed theft at three or more separate and distinct mercantile establishments within a one hundred eighty-day period.

(2) A person is guilty of retail theft with ~~((extenuating))~~ special circumstances in the first degree if the theft involved constitutes theft in the first degree. Retail theft with ~~((extenuating))~~ special circumstances in the first degree is a class B felony.

(3) A person is guilty of retail theft with ~~((extenuating))~~ special circumstances in the second degree if the theft involved constitutes theft in the second degree. Retail theft with ~~((extenuating))~~ special circumstances in the second degree is a class C felony.

(4) A person is guilty of retail theft with ~~((extenuating))~~ special circumstances in the third degree if the theft involved constitutes theft in the third degree. Retail theft with ~~((extenuating))~~ special circumstances in the third degree is a class C felony.

(5) For the purposes of this section, "special circumstances" means the particular aggravating circumstances described in subsection (1)(a) through (c) of this section.

Sec. 2. RCW 9.94A.515 and 2012 c 176 s 3 and 2012 c 162 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))

	Murder 1 (RCW 9A.32.030)		Sexual Exploitation (RCW 9.68A.040)
XIV	Murder 2 (RCW 9A.32.050)	VIII	Arson 1 (RCW 9A.48.020)
	Trafficking 1 (RCW 9A.40.100(1))		Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
XIII	Malicious explosion 2 (RCW 70.74.280(2))		Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Malicious placement of an explosive 1 (RCW 70.74.270(1))		Manslaughter 2 (RCW 9A.32.070)
XII	Assault 1 (RCW 9A.36.011)		Promoting Prostitution 1 (RCW 9A.88.070)
	Assault of a Child 1 (RCW 9A.36.120)		Theft of Ammonia (RCW 69.55.010)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))		Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)	VII	Burglary 1 (RCW 9A.52.020)
	Rape 1 (RCW 9A.44.040)		Child Molestation 2 (RCW 9A.44.086)
	Rape of a Child 1 (RCW 9A.44.073)		Civil Disorder Training (RCW 9A.48.120)
	Trafficking 2 (RCW 9A.40.100(2))		Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
XI	Manslaughter 1 (RCW 9A.32.060)		Drive-by Shooting (RCW 9A.36.045)
	Rape 2 (RCW 9A.44.050)		Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
	Rape of a Child 2 (RCW 9A.44.076)		Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)		Introducing Contraband 1 (RCW 9A.76.140)
X	Child Molestation 1 (RCW 9A.44.083)		Malicious placement of an explosive 3 (RCW 70.74.270(3))
	Criminal Mistreatment 1 (RCW 9A.42.020)		Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))		Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
	Kidnapping 1 (RCW 9A.40.020)		Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
	Leading Organized Crime (RCW 9A.82.060(1)(a))		Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
	Malicious explosion 3 (RCW 70.74.280(3))		Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
	Sexually Violent Predator Escape (RCW 9A.76.115)	VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)		Bribery (RCW 9A.68.010)
	Assault of a Child 2 (RCW 9A.36.130)		Incest 1 (RCW 9A.64.020(1))
	Explosive devices prohibited (RCW 70.74.180)		Intimidating a Judge (RCW 9A.72.160)
	Hit and Run--Death (RCW 46.52.020(4)(a))		Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)		Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))		
	Malicious placement of an explosive 2 (RCW 70.74.270(2))		
	Robbery 1 (RCW 9A.56.200)		

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- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))	9A.56.360(2))
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)	Securities Act violation (RCW 21.20.400)
Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))	Tampering with a Witness (RCW 9A.72.120)
Willful Failure to Return from Furlough (RCW 72.66.060)	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))	Theft of Livestock 2 (RCW 9A.56.083)
Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
Assault of a Child 3 (RCW 9A.36.140)	Trafficking in Stolen Property 2 (RCW 9A.82.055)
Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))	Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
Burglary 2 (RCW 9A.52.030)	Unlawful Imprisonment (RCW 9A.40.040)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)	Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
Criminal Gang Intimidation (RCW 9A.46.120)	Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
Custodial Assault (RCW 9A.36.100)	Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))	Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
Escape 2 (RCW 9A.76.120)	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
Extortion 2 (RCW 9A.56.130)	Willful Failure to Return from Work Release (RCW 72.65.070)
Harassment (RCW 9A.46.020)	II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
Intimidating a Public Servant (RCW 9A.76.180)	Computer Trespass 1 (RCW 9A.52.110)
Introducing Contraband 2 (RCW 9A.76.150)	Counterfeiting (RCW 9.16.035(3))
Malicious Injury to Railroad Property (RCW 81.60.070)	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
Mortgage Fraud (RCW 19.144.080)	Escape from Community Custody (RCW 72.09.310)
Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.132)
Organized Retail Theft 1 (RCW 9A.56.350(2))	Health Care False Claims (RCW 48.80.030)
Perjury 2 (RCW 9A.72.030)	Identity Theft 2 (RCW 9.35.020(3))
Possession of Incendiary Device (RCW 9.40.120)	Improperly Obtaining Financial Information (RCW 9.35.010)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)	Malicious Mischief 1 (RCW 9A.48.070)
Promoting Prostitution 2 (RCW 9A.88.080)	Organized Retail Theft 2 (RCW 9A.56.350(3))
Retail Theft with ((Extenuating)) <u>Special</u> Circumstances 1 (RCW	Possession of Stolen Property 1 (RCW 9A.56.150)
	Possession of a Stolen Vehicle (RCW 9A.56.068)
	Retail Theft with ((Extenuating)) <u>Special</u> Circumstances 2 (RCW 9A.56.360(3))

Theft 1 (RCW 9A.56.030)

77.15.630(3)(b))

Theft of a Motor Vehicle (RCW 9A.56.065)

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))

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

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

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

Trafficking in Insurance Claims (RCW 48.30A.015)

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

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

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

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Release of Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Practice of Law (RCW 2.48.180)

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))

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

Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

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

Voyeurism (RCW 9A.44.115)

Vehicle Prowl 1 (RCW 9A.52.095)

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

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

NEW SECTION. **Sec. 3.** This act takes effect January 1, 2014."

False Verification for Welfare (RCW 74.08.055)

Correct the title.
and the same are herewith transmitted.

Forgery (RCW 9A.60.020)

BARBARA BAKER, Chief Clerk

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

MOTION

Malicious Mischief 2 (RCW 9A.48.080)

Senator Padden moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5022.

Mineral Trespass (RCW 78.44.330)

Senators Padden and Kline spoke in favor of the motion.

Possession of Stolen Property 2 (RCW 9A.56.160)

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5022.

Reckless Burning 1 (RCW 9A.48.040)

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5022 by voice vote.

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5022, as amended by the House.

Theft 2 (RCW 9A.56.040)

ROLL CALL

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5022, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

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, Mullet, Murray, Nelson, Padden, Parlette, Pearson,

Unlawful Fish and Shellfish Catch Accounting (RCW

Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5022, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5050 with the following amendment(s): 5050 AMH TR H2115.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.625 and 1999 c 398 s 9 are each amended to read as follows:

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) Except as provided in subsection (3) of this section, no person or persons may occupy a vehicle while it is being towed by a tow truck as defined in RCW 46.55.010.

(3)(a) A tow truck operator may allow passengers to ride in a vehicle that is carried on the deck of a flatbed tow truck only when the following conditions are met:

(i) The number of people that need to be transported exceeds the seating capacity of the tow truck or a person needing to be transported has a disability that limits that person's ability to enter the tow truck;

(ii) All passengers in the carried vehicle and in the tow truck comply with RCW 46.61.687 and 46.61.688;

(iii) Any passenger under sixteen years of age is accompanied by an adult riding in the same vehicle; and

(iv) There is a way for the passengers in the carried vehicle to immediately communicate, either verbally, audibly, or visually, with the tow truck operator in case of an emergency.

(b) No passenger of such a carried vehicle may exit the carried vehicle, ride outside of the passenger compartment of the carried vehicle, or exhibit dangerous or distracting behaviors while in the carried vehicle."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Sheldon moved that the Senate concur in the House amendment(s) to Senate Bill No. 5050.

The President declared the question before the Senate to be the motion by Senator Sheldon that the Senate concur in the House amendment(s) to Senate Bill No. 5050.

The motion by Senator Sheldon carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5050 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5050, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5050, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carrell and Shin

SENATE BILL NO. 5050, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2013

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5078 with the following amendment(s): 5078-S2.E AMH FIN H2258.5

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that nonprofit fairs provide educational opportunities for youth and promote agriculture and the welfare of rural Washington. The legislature further finds that publicly owned fairgrounds can be rented or loaned out on a temporary basis without jeopardizing the property's exempt status for property tax purposes. The legislature further finds that many cities and counties have transferred ownership in fairground properties to nonprofit fair associations to achieve operational efficiencies. The legislature further finds that properties previously owned by cities or counties, and now owned and operated by nonprofit fair associations, may be subject to property tax even though the use of the property has not changed.

(2) It is the intent of the legislature to mitigate an unintended consequence of the property tax code that would otherwise interfere with a city's or county's ability to achieve operational efficiencies and follows best practices by transferring fairgrounds to nonprofit fair associations for an identical use of the property. It is the further intent of the legislature to expire the property tax exemption in five years to evaluate if the exemption has created any unintended consequences, including any unfair competitive advantage that may be conferred by the property tax exemption over private businesses, and identify other similar tax situations where ownership of property may be transferred from a public entity to a nonprofit association.

Sec. 2. RCW 84.36.480 and 1984 c 220 s 6 are each amended to read as follows:

~~((The following property shall be exempt from taxation:))~~ (1) Except as provided otherwise in subsections (2) and (3) of this section, the real and personal property of a nonprofit fair association that sponsors or conducts a fair or fairs ((which)) that is eligible to receive support from ((revenues collected pursuant to RCW 67.16.100)) the fair fund, as created in RCW 15.76.115 and allocated by the director of the department of agriculture, is exempt from taxation. To be exempt under this ((section)) subsection (1), the property must be used exclusively for fair purposes, except as provided in RCW 84.36.805. However, the loan or rental of property otherwise exempt under this section to a private

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concessionaire or to any person for use as a concession in conjunction with activities permitted under this section shall not nullify the exemption if the concession charges are subject to agreement and the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property.

(2)(a) Except as provided otherwise in subsection (3) of this section, the real and personal property owned by a nonprofit fair association organized under chapter 24.06 RCW and used for fair purposes is exempt from taxation if the majority of such property, as determined by assessed value, was purchased or acquired by the same nonprofit fair association from a county or a city between 1995 and 1998.

(b) The exemption under this subsection (2) may not be claimed for taxes levied for collection in 2019 and thereafter.

(3) A nonprofit fair association with real and personal property having an assessed value of more than fifteen million dollars is not eligible for the exemptions under this section.

Sec. 3. RCW 84.36.805 and 2006 c 319 s 1 and 2006 c 226 s 3 are each reenacted and amended to read as follows:

(1) In order to qualify for an exemption under this chapter, the nonprofit organizations, associations, or corporations must satisfy the conditions in this section.

(2) The property must be used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4), 84.36.037, 84.36.050, and 84.36.060(1) (a) and (b), the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted.

(3) The facilities and services must be available to all regardless of race, color, national origin or ancestry.

(4) The organization, association, or corporation must be duly licensed or certified where such licensing or certification is required by law or regulation.

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller (~~shall~~) does not qualify for exempt status. This subsection does not apply to property sold to a nonprofit entity, as defined in RCW 84.36.560(7), by:

(a) A nonprofit as defined in RCW 84.36.800 that is exempt from income tax under (~~section~~) 26 U.S.C. Sec. 501(c) of the federal internal revenue code;

(b) A governmental entity established under RCW 35.21.660, 35.21.670, or 35.21.730;

(c) A housing authority created under RCW 35.82.030;

(d) A housing authority meeting the definition in RCW 35.82.210(2)(a); or

(e) A housing authority established under RCW 35.82.300.

(6) The department (~~shall~~) must have access to its books in order to determine whether the nonprofit organization, association, or corporation is exempt from taxes under this chapter.

(7) This section does not apply to exemptions granted under RCW 84.36.020, 84.36.032, 84.36.250, (~~and~~) 84.36.260, and 84.36.480(2)."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Hatfield moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5078.

Senator Ericksen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hatfield that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5078.

The motion by Senator Hatfield carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5078 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5078, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5078, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carrell and Shin

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5078, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5161 with the following amendment(s): 5161 AMH TR H2149.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.18.245 and 2010 c 161 s 621 are each amended to read as follows:

(1) A registered owner who is (~~the mother or father~~) an eligible family member of a member of the United States armed forces who died while in service to his or her country, or as a result of his or her service, may apply to the department for special gold star license plates for use on a motor vehicle. The registered owner must:

(a) Be a resident of this state;

(b) Provide proof to the satisfaction of the department that the registered owner is an eligible family member, which includes:

(i) A widow;

(ii) A widower;

- (iii) A biological parent;
- (iv) An adoptive parent;
- (v) A stepparent;
- (vi) An adult in loco parentis or foster parent;
- (vii) A biological child; or
- (viii) An adopted child;

(c) Provide certification from the Washington state department of veterans affairs that the registered owner qualifies for the special license plate under this section;

~~((e))~~ (d) Be recorded as the registered owner of the motor vehicle on which the gold star license plates will be displayed; and
~~((d))~~ (e) Pay all fees and taxes required by law for registering the motor vehicle.

(2) Gold star license plates must be issued:

- (a) Only for motor vehicles owned by qualifying applicants; and
- (b) Without payment of any license plate fee.

(3) Gold star license plates must be replaced, free of charge, if the license plates become lost, stolen, damaged, defaced, or destroyed.

(4) Gold star license plates may be transferred from one motor vehicle to another motor vehicle owned by the ~~((mother or father))~~ eligible family member, as described in subsection (1) of this section, upon application to the department, county auditor or other agent, or subagent appointed by the director.

NEW SECTION. Sec. 2. This act takes effect August 1, 2013."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Senate Bill No. 5161.

Senator Eide spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Senate Bill No. 5161.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5161 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5161, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5161, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carrell and Shin

SENATE BILL NO. 5161, as amended by the House, having received the constitutional majority, was declared passed. There

being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5197 with the following amendment(s): 5197-S2 AMH CB H2371.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows:

School districts must work collaboratively with local law enforcement agencies and school security personnel to develop an emergency response system using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school. School districts are encouraged to use the model policies developed by the school safety advisory committee of the office of the superintendent of public instruction as a resource. Each school district must submit a progress report on its implementation of an emergency response system as required under this section to the office of the superintendent of public instruction by December 1, 2014.

Sec. 2. RCW 28A.335.010 and 1969 ex.s. c 223 s 28A.58.102 are each amended to read as follows:

(1) Every board of directors, unless otherwise specifically provided by law, shall:

~~((4))~~ (a) Cause all school buildings to be properly heated, lighted, and ventilated and maintained in a clean and sanitary condition; and

~~((2))~~ (b) Maintain and repair, furnish, and insure such school buildings.

(2) Every board of directors, unless otherwise specifically provided by law, shall also:

(a) Consider installing a perimeter security control mechanism or system on all school campuses, as appropriate to the design of the campus; and

(b) For new school construction projects or remodeling projects of more than forty percent of an existing school building that are initiated after the effective date of this section, consider school building plans and designs that promote:

(i) An optimal level of security for the specific school site that incorporates evolving technology and best practices to protect students and staff in the event of a threat during school hours;

(ii) Direct control and observation of the public entering school grounds; and

(iii) The public entering school grounds through as few entrances as possible, such as through the main entrance of a school's administrative offices.

(3) The purpose of subsection (2) of this section is to promote generally the safety of all students and staff in Washington public schools. Nothing in subsection (2) of this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state.

NEW SECTION. Sec. 3. (1) The school safety advisory committee convened by the office of the superintendent of public instruction shall develop model policies and strategies for school districts and local law enforcement agencies to design emergency response systems using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school. The committee shall develop policies and

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strategies appropriate for a range of different threat or emergency scenarios.

(2)(a) The school safety advisory committee shall also develop recommendations related to incorporating school safety features in the planning and design of new or remodeled school facilities. The recommendations shall address, at a minimum:

- (i) Options to address public access to school buildings and grounds;
- (ii) Interior design features to address public access to classrooms; and
- (iii) Options and best practices to protect students and staff in the event of a threat during school hours.

(b) The recommendations shall consider and provide flexibility regarding varying campus designs, geographic locations, site-specific needs, grade-level configurations, cost-effectiveness, and coordination with local law enforcement in a manner suitable to the locale.

(3) The school safety advisory committee shall submit a report to the education committees of the legislature by December 1, 2013, and post the report, model policies and recommendations developed under this section, and other resource information to assist school districts on the school safety center web site.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction shall allocate grants to school districts on a competitive basis for the purpose of implementing emergency response systems using evolving technology to expedite the response and arrival of law enforcement in the event of a threat or emergency at a school."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Dammeier moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5197.

Senators Dammeier and McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dammeier that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5197.

The motion by Senator Dammeier carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5197 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5197, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5197, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Harper, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Litzow, McAuliffe, Mullet, Murray, Nelson, Padden, Parlette, Pearson,

Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Excused: Senators Carrell and Shin

SECOND SUBSTITUTE SENATE BILL NO. 5197, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5591 with the following amendment(s): 5591-S AMH ENGR H2316.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.01.130 and 2010 c 161 s 203 are each amended to read as follows:

The director:

(1) Shall supervise and control the issuing of vehicle certificates of title, vehicle registrations, and vehicle license plates, and has the full power to do all things necessary and proper to carry out the provisions of the law relating to the registration of vehicles;

(2) May appoint and employ deputies, assistants, representatives, and clerks;

(3) May establish branch offices in different parts of the state;

(4) May appoint county auditors in Washington state or, in the absence of a county auditor, the department or an official of county government as agents for applications for and the issuance of vehicle certificates of title and vehicle registrations; and

(5)(a) Shall investigate the conviction records and pending charges of any current employee of or prospective employee being considered for any position with the department (~~that~~) who has or will have:

(i)(A) The ability to create or modify records of applicants for enhanced drivers' licenses and identicards issued under RCW 46.20.202; and

((~~ii~~)) (B) The ability to issue enhanced drivers' licenses and identicards under RCW 46.20.202; or

(ii) Access to information pertaining to vehicle license plates, drivers' licenses, or identicards under RCW 46.08.066, or vessel registrations issued under RCW 88.02.330 that, alone or in combination with any other information, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity.

(b) The investigation consists of a background check as authorized under RCW 10.97.050, 43.43.833, and 43.43.834, and the federal bureau of investigation. The background check must be conducted through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which is through the submission of fingerprints. The director shall use the information solely to determine the character, suitability, and competence of current or prospective employees subject to this section.

(c) The director shall investigate the conviction records and pending charges of an employee subject to this subsection every five years.

(d) Criminal justice agencies shall provide the director with information that they may possess and that the director may require solely to determine the employment suitability of current or prospective employees subject to this section.

Sec. 2. RCW 46.08.066 and 2010 c 161 s 211 are each amended to read as follows:

(1) The department may issue confidential license plates to:

(a) Units of local government and agencies of the federal government for law enforcement purposes only;

(b) Any state official elected on a statewide basis for use on official business. Only one set of confidential license plates may be issued to these elected officials;

(c) Any other public officer or public employee for the personal security of the officer or employee when recommended by the chief of the Washington state patrol. These confidential license plates may only be used on an unmarked publicly owned or controlled vehicle of the employing government agency for the conduct of official business for the period of time that the personal security of the state official, public officer, or other public employee may require; and

(d) The office of the state treasurer. These confidential license plates may only be used on an unmarked state owned or controlled vehicle when required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(2) The use of confidential license plates on other vehicles owned or operated by the state of Washington by any officer or employee of the state is limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or child support investigations.

(3)(a) The department may issue confidential drivers' licenses and identicards to commissioned officers of state and local law enforcement agencies and agencies of the federal government only for undercover or covert law enforcement activities.

(b) Any driver's license or identicard issued under this subsection shall display an expiration date that complies with the department's rules, but a driver's license or identicard issued under this subsection may be used only during the duration of the officer's assignment to an undercover or covert operation.

(c) Any driver's license or identicard issued under this subsection must be returned to the department within thirty days of the end of the officer's undercover assignment. Any driver's license or identicard issued under this subsection must be returned to the department immediately upon the officer's retirement, termination, dismissal, change in job assignment, or leave from the agency.

(4) The director may adopt rules governing applications for, and the use of, confidential license plates, drivers' licenses, and identicards.

Sec. 3. RCW 42.56.230 and 2011 c 350 s 2 and 2011 c 173 s 1 are each reenacted and amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2) Personal information~~(s)~~ including, but not limited to, addresses, telephone numbers, personal electronic mail addresses, social security numbers, emergency contact and date of birth information for a participant in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs. Emergency contact information may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or

any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law;

(6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093; and

(7)(a) (~~Documents and related materials and scanned images of documents and related materials~~) Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.

(b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.

(c) Any record pertaining to a vehicle license plate, driver's license, or identicard issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(e) Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in (c) and (d) of this subsection that is subject to public disclosure.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5591.

Senators Eide and Hasegawa spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5591.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5591 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5591, as amended by the House.

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 ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5591, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5591, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5329 with the following amendment(s): 5329-S2.E AMH ENGR H2372.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.657.005 and 2010 c 235 s 101 are each amended to read as follows:

(1) The legislature finds that an effective educational accountability system is premised on creating and maintaining partnerships between the state and local school district boards of directors. The legislature also recognizes it takes time to make significant changes that are sustainable over the long term in an educational system that serves more than one million students from diverse communities.

(2) The legislature further finds that it is the state's responsibility to create a coherent and effective accountability framework for the continuous improvement (~~(for)~~) of all schools and school districts. This system must provide an excellent and equitable education for all students(~~(s)~~), an aligned (~~(federal/state)~~) federal and state accountability system(~~(s)~~), and the tools necessary for schools and school districts to be accountable. These tools include (~~(the necessary)~~) accounting and data reporting systems, assessment systems to monitor student achievement, and a comprehensive system of (~~(general)~~) differentiated support, targeted assistance, and, if necessary, intervention.

(3) The office of the superintendent of public instruction is responsible for developing and implementing the accountability tools to build district capacity and working within federal and state guidelines. The legislature assigned the state board of education responsibility and oversight for creating an accountability framework. This framework provides a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. Such a system will identify schools and their districts for recognition as well as for additional state support.

(4) For a specific group of (~~(challenged schools, defined as)~~) persistently lowest-achieving schools(~~(s)~~) and their districts, it is necessary to provide a required action process that creates a partnership between the state and local district to target funds and assistance to turn around the identified (~~(lowest-achieving)~~) schools. The legislature finds that state takeover of persistently

lowest-achieving schools is unlikely to produce long-term improvement in student achievement because takeover is an unsustainable approach to school governance and an inadequate response to addressing the underlying barriers to improved outcomes for all students. However, in the rare case of a persistently lowest-achieving school that continues to fail to improve even after required action and supplemental assistance, it is appropriate and necessary to assign the superintendent of public instruction the responsibility to intercede, provide robust technical assistance, and direct the necessary interventions. Even though the superintendent of public instruction continues to work in partnership with the local school board, the superintendent of public instruction is accountable for assuring that adequate steps are taken to improve student achievement in these schools.

(5) Phase I of this accountability system will recognize schools that have done an exemplary job of raising student achievement and closing the achievement gaps using the (~~(state board of education's accountability)~~) Washington achievement index adopted by the state board of education. The state board of education shall have ongoing collaboration with the (~~(achievement)~~) educational opportunity gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and (~~(the)~~) recognition provided to the school districts for closing the achievement gaps. Phase I will also target the lowest five percent of persistently lowest-achieving schools defined under federal guidelines to provide federal funds and federal intervention models through a voluntary option in 2010, and for those who do not volunteer and have not improved student achievement, a required action process beginning in 2011.

(6) Phase II of this accountability system will work toward implementing the (~~(state board of education's accountability)~~) Washington achievement index for identification of challenged schools in need of improvement, including those that are not Title I schools, and the use of state and local intervention models and federal and state funds through a (~~(required action process)~~) comprehensive system of differentiated support, targeted assistance, and intervention beginning in (~~(2013, in addition to the federal program)~~) the 2014-15 school year. If federal approval of the (~~(state board of education's accountability)~~) Washington achievement index (~~(must be)~~) is not obtained (~~(or else)~~), the federal guidelines for (~~(persistently lowest-achieving)~~) identifying schools will continue to be used. If it ever becomes necessary, a process is established to assign responsibility to the superintendent of public instruction to intervene in persistently lowest-achieving schools that have failed to improve despite required action.

(7) The expectation from implementation of this accountability system is the improvement of student achievement for all students to prepare them for postsecondary education, work, and global citizenship in the twenty-first century.

Sec. 2. RCW 28A.657.010 and 2010 c 235 s 112 are each amended to read as follows:

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

(1) "All students group" means those students in grades three through eight and high school who take the state's assessment in reading or English language arts and mathematics required under 20 U.S.C. Sec. 6311(b)(3).

(2) "Title I" means Title I, part A of the federal elementary and secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

(3) "Turnaround principles" include but are not limited to the following:

(a) Providing strong leadership;

(b) Ensuring teachers are effective and able to improve instruction;

- (c) Increasing learning time;
- (d) Strengthening the school's instructional program;
- (e) Using data to inform instruction;
- (f) Establishing a safe and supportive school environment; and
- (g) Engaging families and communities.

Sec. 3. RCW 28A.657.020 and 2010 c 235 s 102 are each amended to read as follows:

(1) Beginning in 2010, and each year thereafter ~~(, by)~~ through December ~~((+st))~~ 1, 2012, the superintendent of public instruction shall annually identify schools as one of the state's persistently lowest-achieving schools if the school is a Title I school, or a school that is eligible for but does not receive Title I funds, that is among the lowest-achieving five percent of Title I or Title I eligible schools in the state.

(2) The criteria for determining whether a school is among the persistently lowest-achieving five percent of Title I schools, or Title I eligible schools, under subsection (1) of this section shall be established by the superintendent of public instruction. The criteria must meet all applicable requirements for the receipt of a federal school improvement grant under the American recovery and reinvestment act of 2009 and Title I of the elementary and secondary education act of 1965, and take into account both:

(a) The academic achievement of the "all students" group in a school in terms of proficiency on the state's assessment, and any alternative assessments, in reading and mathematics combined; and

(b) The school's lack of progress on the mathematics and reading assessments over a number of years in the "all students" group.

(3)(a) Beginning December 1, 2013, and each December thereafter, the superintendent of public instruction shall annually identify challenged schools in need of improvement and a subset of such schools that are the persistently lowest-achieving schools in the state.

(b) The criteria for determining whether a school is a challenged school in need of improvement shall be adopted by the superintendent of public instruction in rule. The criteria must meet all applicable federal requirements under Title I of the elementary and secondary education act of 1965 and other federal rules or guidance, including applicable requirements for the receipt of federal school improvement funds if available, but shall apply equally to Title I, Title I-eligible, and non-Title I schools in the state. The criteria must take into account the academic achievement of the "all students" group and subgroups of students in a school in terms of proficiency on the state assessments in reading or English language arts and mathematics and a high school's graduation rate for all students and subgroups of students. The superintendent may establish tiered categories of challenged schools based on the relative performance of all students, subgroups of students, and other factors.

(c) The superintendent of public instruction shall also adopt criteria in rule for determining whether a challenged school in need of improvement is also a persistently lowest-achieving school for purposes of the required action district process under this chapter, which shall include the school's lack of progress for all students and subgroups of students over a number of years. The criteria for identifying persistently lowest-achieving schools shall also take into account the level of state or federal resources available to implement a required action plan.

(d) If the Washington achievement index is approved by the United States department of education for use in identifying schools for federal purposes, the superintendent of public instruction shall use the approved index to identify schools under (b) and (c) of this subsection.

Sec. 4. RCW 28A.657.030 and 2010 c 235 s 103 are each amended to read as follows:

(1) Beginning in January 2011, the superintendent of public instruction shall annually recommend to the state board of education school districts for designation as required action districts. A district with at least one school identified as a persistently lowest-achieving school according to the criteria established by the superintendent of public instruction under RCW 28A.657.020 shall be designated as a required action district ~~((if it meets the criteria developed by the superintendent of public instruction))~~. However, a school district shall not be recommended for designation as a required action district if the district was awarded a federal school improvement grant by the superintendent in 2010 or 2011 and for three consecutive years following receipt of the grant implemented a federal school intervention model at each school identified for improvement. The state board of education may designate a district that received a school improvement grant in 2010 or 2011 as a required action district if after three years of voluntarily implementing a plan the district continues to have a school identified as persistently lowest-achieving and meets the criteria for designation established by the superintendent of public instruction.

(2) The superintendent of public instruction shall provide a school district superintendent with written notice of the recommendation for designation as a required action district by certified mail or personal service. A school district superintendent may request reconsideration of the superintendent of public instruction's recommendation. The reconsideration shall be limited to a determination of whether the school district met the criteria for being recommended as a required action district. A request for reconsideration must be in writing and served on the superintendent of public instruction within ten days of service of the notice of the superintendent's recommendation.

(3) The state board of education shall annually designate those districts recommended by the superintendent in subsection (1) of this section as required action districts. A district designated as a required action district shall be required to notify all parents of students attending a school identified as a persistently lowest-achieving school in the district of the state board of education's designation of the district as a required action district and the process for complying with the requirements set forth in RCW 28A.657.040 through 28A.657.100.

Sec. 5. RCW 28A.657.050 and 2012 c 53 s 10 are each amended to read as follows:

(1)(a) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community.

(b) The superintendent of public instruction shall provide a district with assistance in developing its plan if requested, and shall develop and publish guidelines for the development of required action plans. The superintendent of public instruction, in consultation with the state board of education, shall also publish a list of research and evidence-based school improvement models, consistent with turnaround principles, that are approved for use in required action plans.

(c) The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal and state guidelines, as applicable. After the office of the superintendent of public instruction has approved that the plan is consistent with federal and state guidelines, the local school district

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must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

(a) Implementation of ~~((one of the four federal intervention))~~ an approved school improvement model((s)) required for the receipt of ~~((a))~~ federal or state funds for school improvement ~~((grant))~~ for those persistently lowest-achieving schools that the district will be focusing on for required action. ~~((However, a district may not establish a charter school under a federal intervention model without express legislative authority. The intervention models are the turnaround, restart, school closure, and transformation models.))~~ The ~~((intervention))~~ approved school improvement model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan. The required action plan for districts with multiple persistently lowest-achieving schools must include separate plans for each school as well as a plan for how the school district will support the schools collectively;

(b) Submission of an application for ~~((a federal school improvement grant or a grant from other))~~ federal or state funds for school improvement to the superintendent of public instruction;

(c) A budget that provides for adequate resources to implement the ~~((federal))~~ model selected and any other requirements of the plan;

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all students enrolled in the school and how the district intends to address the findings of the academic performance audit; and

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include closing the educational opportunity gap, improving mathematics and reading or English language arts student achievement, and improving graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan. For any district applying to participate in a collaborative schools for innovation and success pilot project under RCW 28A.630.104, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 7, 2012, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement an innovation and success plan.

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment relations commission to, and the commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator,

finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

(d) The process for filing with the court in this subsection (3)(d) must be used in the case where the executive director certifies issues for a decision by the superior court.

(i) The school district shall file a petition with the superior court, by no later than May 20th of the same year in which the issues were certified, setting forth the following:

(A) The name, address, and telephone number of the school district and its principal representative;

(B) The name, address, and telephone number of the employee organizations and their principal representatives;

(C) A description of the bargaining units involved;

(D) A copy of the unresolved issues certified by the executive director for a final and binding decision by the court; and

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district in the case of a required action district, or the comprehensive needs assessment in the case of a collaborative schools for innovation and success pilot project.

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan or innovation and success plan for the district for each issue certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of ~~((a federal school improvement grant or a grant from other))~~ federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement ~~((one of the four federal intervention))~~ an approved school improvement model((s)). In the case of an innovation and success plan, the court must enter an order selecting the proposal for inclusion in the plan that best responds to the issues raised in the school's comprehensive needs assessment. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of ~~((a federal school improvement grant or other))~~ federal or state funds for school improvement by the superintendent of public instruction.

(e) Each party shall bear its own costs and attorneys' fees incurred under this statute.

(f) Any party that proceeds with the process in this section after knowledge that any provision of this section has not been complied with and who fails to state its objection in writing is deemed to have waived its right to object.

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school

districts designated as required action districts to implement ~~((one of the four federal))~~ an approved school improvement model(s) in a required action plan.

Sec. 6. RCW 28A.657.050 and 2010 c 235 s 105 are each amended to read as follows:

(1)(a) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community.

(b) The superintendent of public instruction shall provide a district with assistance in developing its plan if requested, and shall develop and publish guidelines for the development of required action plans. The superintendent of public instruction, in consultation with the state board of education, shall also publish a list of research and evidence-based school improvement models, consistent with turnaround principles, that are approved for use in required action plans.

(c) The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal and state guidelines, as applicable. After the office of the superintendent of public instruction has approved that the plan is consistent with federal and state guidelines, the local school district must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

(a) Implementation of ~~((one of the four federal intervention))~~ an approved school improvement model(s) required for the receipt of ~~((a))~~ federal or state funds for school improvement ~~((grant))~~ for those persistently lowest-achieving schools that the district will be focusing on for required action. ~~((However, a district may not establish a charter school under a federal intervention model without express legislative authority. The intervention models are the turnaround, restart, school closure, and transformation models.))~~ The ~~((intervention))~~ approved school improvement model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan. The required action plan for districts with multiple persistently lowest-achieving schools must include separate plans for each school as well as a plan for how the school district will support the schools collectively;

(b) Submission of an application for ~~((a federal school improvement grant or a grant from other))~~ federal or state funds for school improvement to the superintendent of public instruction;

(c) A budget that provides for adequate resources to implement the ~~((federal))~~ model selected and any other requirements of the plan;

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all students enrolled in the school and how the district intends to address the findings of the academic performance audit; and

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include closing the educational opportunity gap, improving mathematics and reading or English language arts student achievement, and improving graduation rates as defined by the office of the superintendent of

public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan.

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment relations commission to, and the commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

(d) The process for filing with the court in this subsection (3)(d) must be used in the case where the executive director certifies issues for a decision by the superior court.

(i) The school district shall file a petition with the superior court, by no later than May 20th of the same year in which the issues were certified, setting forth the following:

(A) The name, address, and telephone number of the school district and its principal representative;

(B) The name, address, and telephone number of the employee organizations and their principal representatives;

(C) A description of the bargaining units involved;

(D) A copy of the unresolved issues certified by the executive director for a final and binding decision by the court; and

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district.

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan for the district for each issue certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of ~~((a federal school improvement grant or a grant from other))~~ federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement ~~((one of the four federal intervention))~~ an approved school improvement model(s). The court's decision must be

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issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of ~~((a federal school improvement grant or other))~~ federal or state funds for school improvement by the superintendent of public instruction.

(e) Each party shall bear its own costs and attorneys' fees incurred under this statute.

(f) Any party that proceeds with the process in this section after knowledge that any provision of this section has not been complied with and who fails to state its objection in writing is deemed to have waived its right to object.

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement ~~((one of the four federal))~~ an approved school improvement model~~((s))~~ in a required action plan.

Sec. 7. RCW 28A.657.060 and 2010 c 235 s 106 are each amended to read as follows:

A required action plan developed by a district's school board and superintendent must be submitted to the state board of education for approval. The state board must accept for inclusion in any required action plan the final decision by the superior court on any issue certified by the executive director of the public employment relations commission under the process in RCW 28A.657.050. The state board of education shall approve a plan proposed by a school district only if the plan meets the requirements in RCW 28A.657.050 and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement. Any addendum or modification to an existing collective bargaining agreement, negotiated under RCW 28A.657.050 or by agreement of the district and the exclusive bargaining unit, related to student achievement or school improvement shall not go into effect until approval of a required action plan by the state board of education. If the state board does not approve a proposed plan, it must notify the local school board and local district's superintendent in writing with an explicit rationale for why the plan was not approved. Nonapproval by the state board of education of the local school district's initial required action plan submitted is not intended to trigger any actions under RCW 28A.657.080. With the assistance of the office of the superintendent of public instruction, the superintendent and school board of the required action district shall either: ~~((a)-(4))~~ (1) Submit a new plan to the state board of education for approval within forty days of notification that its plan was rejected, or ~~((b)-(2))~~ (2) submit a request to the required action plan review panel established under RCW 28A.657.070 for reconsideration of the state board's rejection within ten days of the notification that the plan was rejected. If federal or state funds for school improvement are not available, the plan is not required to be implemented until such funding becomes available. If federal or state funds for this purpose are available, a required action plan must be implemented in the immediate school year following the district's designation as a required action district.

Sec. 8. RCW 28A.657.070 and 2010 c 235 s 107 are each amended to read as follows:

(1) A required action plan review panel shall be established to offer an objective, external review of a request from a school district for reconsideration of the state board of education's rejection of the district's required action plan or reconsideration of a level two required action plan developed only by the superintendent of public instruction as provided under section 11 of this act. The review and reconsideration by the panel shall be based on whether the state board of education or the superintendent of public instruction gave

appropriate consideration to the unique circumstances and characteristics identified in the academic performance audit or level two needs assessment and review of the local school district ~~((whose required action plan was rejected))~~.

(2)(a) The panel shall be composed of five individuals with expertise in school improvement, school and school district restructuring, or parent and community involvement in schools. Two of the panel members shall be appointed by the speaker of the house of representatives; two shall be appointed by the president of the senate; and one shall be appointed by the governor.

(b) The speaker of the house of representatives, president of the senate, and governor shall solicit recommendations for possible panel members from the Washington association of school administrators, the Washington state school directors' association, the association of Washington school principals, the ~~((achievement))~~ educational opportunity gap oversight and accountability committee, and associations representing certificated teachers, classified school employees, and parents.

(c) Members of the panel shall be appointed no later than December 1, 2010, but the superintendent of public instruction shall convene the panel only as needed to consider a school district's request for reconsideration. Appointments shall be for a four-year term, with opportunity for reappointment. Reappointments in the case of a vacancy shall be made expeditiously so that all requests are considered in a timely manner.

(3)(a) In the case of a rejection of a required action plan, the required action plan review panel may reaffirm the decision of the state board of education, recommend that the state board reconsider the rejection, or recommend changes to the required action plan that should be considered by the district and the state board of education to secure approval of the plan. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the local school district and the panel. If the school district must submit a new required action plan to the state board of education, the district must submit the plan within forty days of the board's decision.

(b) In the case of a level two required action plan where the local school district and the superintendent of public instruction have not come to agreement, the required action plan review panel may reaffirm the level two required action plan submitted by the superintendent of public instruction or recommend changes to the plan that should be considered by the state board of education, the superintendent of public instruction, and the local school district. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the local school district, the superintendent of public instruction, and the panel.

(4) The state board of education and superintendent of public instruction must develop timelines and procedures for the deliberations under this section so that school districts can implement a required action plan within the time frame required under RCW 28A.657.060.

Sec. 9. RCW 28A.657.090 and 2010 c 235 s 109 are each amended to read as follows:

A school district must implement a required action plan upon approval by the state board of education. The office of ~~((the))~~ the superintendent of public instruction must provide the required action district with technical assistance and ~~((federal school improvement grant funds or other))~~ federal or state funds for school improvement, if available, to implement an approved plan. The district must submit a report to the superintendent of public instruction that provides the progress the district is making in meeting the student achievement goals based on the state's assessments, identifying strategies and assets used to solve audit findings, and establishing evidence of meeting plan implementation benchmarks as set forth in the required action plan.

Sec. 10. RCW 28A.657.100 and 2010 c 235 s 110 are each amended to read as follows:

(1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction ~~((- in reading and mathematics on the state's assessment over the past three consecutive years))~~ using the criteria adopted under RCW 28A.657.020 including progress in closing the educational opportunity gap; and no longer has a school within the district identified as persistently lowest-achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release ~~((;-))~~ after at least three years of implementing a required action plan, the board may recommend that the district remain((s)) in required action and ((must)) submit a new or revised plan under the process in RCW 28A.657.050, or the board may direct that the school district be assigned to level two of the required action process as provided in section 11 of this act. If the required action district received a federal school improvement grant for the same persistently lowest-achieving school in 2010 or 2011, the board may direct that the school district be assigned to level two of the required action process after one year of implementing a required action plan under this chapter if the district is not making progress. Before making a determination of whether to recommend that a school district that is not making progress remain in required action or be assigned to level two of the required action process, the state board of education must submit its findings to the education accountability system oversight committee under section 13 of this act and provide an opportunity for the oversight committee to review and comment.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.657 RCW to read as follows:

(1) School districts assigned by the state board of education to level two of the required action process under this chapter are those with one or more schools that have remained as persistently lowest-achieving for more than three years and have not demonstrated recent and significant improvement or progress toward exiting persistently lowest-achieving status, despite implementation of a required action plan.

(2) Within ninety days following assignment of a school district to level two of the required action process, the superintendent of public instruction shall direct that a needs assessment and review be conducted to determine the reasons why the previous required action plan did not succeed in improving student achievement.

(3)(a) Based on the results of the needs assessment and review, the superintendent of public instruction shall work collaboratively with the school district board of directors to develop a revised required action plan for level two.

(b) The level two required action plan must explicitly address the reasons why the previous plan did not succeed and must specify the interventions that the school district must implement, which may include assignment or reassignment of personnel, reallocation of resources, use of specified curriculum or instructional strategies, use of a specified school improvement model, or any other conditions determined by the superintendent of public instruction to be necessary for the level two required action plan to succeed, which conditions shall be binding on the school district. The level two required action plan shall also include the specific technical

assistance and support to be provided by the office of the superintendent of public instruction, which may include assignment of school improvement specialists to have a regular on-site presence in the school and technical assistance provided through the educational service district. Individuals assigned as on-site school improvement specialists must have demonstrated experience in school turnaround and cultural competence.

(c) The level two required action plan must be submitted to the state board of education for approval.

(4) If the superintendent of public instruction and the school district board of directors are unable to come to an agreement on a level two required action plan within ninety days of the completion of the needs assessment and review conducted under subsection (2) of this section, the superintendent of public instruction shall complete and submit a level two required action plan directly to the state board of education for approval. The school district board of directors may submit a request to the required action plan review panel established under RCW 28A.657.070 for reconsideration of the superintendent's level two required action plan within ten days of the submission of the plan to the state board of education. After the state board of education considers the recommendations of the required action plan review panel, the decision of the board regarding the level two required action plan is final and not subject to further reconsideration.

(5) If changes to a collective bargaining agreement are necessary to implement a level two required action plan, the parties must reopen the agreement, or negotiate an addendum, using the process outlined under RCW 28A.657.050. If the level two required action plan is developed by the superintendent of public instruction under subsection (4) of this section, a designee of the superintendent shall participate in the discussions among the parties to the collective bargaining agreement.

(6) While a school district is assigned to level two of the required action process under this chapter, the superintendent of public instruction is responsible and accountable for assuring that the level two required action plan is implemented with fidelity. The superintendent of public instruction shall defer to the school district board of directors as the governing authority of the school district and continue to work in partnership with the school district to implement the level two required action plan. However, if the superintendent of public instruction finds that the level two required action plan is not being implemented as specified, including the implementation of any binding conditions within the plan, the superintendent may direct actions that must be taken by school district personnel to implement the level two required action plan or the binding conditions. If necessary, the superintendent of public instruction may exercise authority under RCW 28A.505.120 regarding allocation of funds.

(7) The superintendent of public instruction shall include in the budget estimates and information submitted to the governor under RCW 28A.300.170 a request for sufficient funds to support implementation of the level two required action plans established under this section.

(8) The superintendent of public instruction must recommend to the state board of education that a school district be released from assignment to level two of the required action process after the district implements the level two required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction using the criteria established under RCW 28A.657.020; and no longer has a school within the district identified as persistently lowest-achieving. The state board of education shall release a school district from the level two assignment upon confirmation that the school district has met the requirements for a release.

Sec. 12. RCW 28A.657.110 and 2010 c 235 s 111 are each amended to read as follows:

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(1) By November 1, 2013, the state board of education shall ((continue to refine the development of)) propose rules for adoption establishing an accountability framework that creates a unified system of support for challenged schools(;) that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. The board must seek input from the public and interested groups in developing the framework. Based on the framework, the superintendent of public instruction shall design a comprehensive system of specific strategies for recognition, provision of differentiated support and targeted assistance, and, if necessary, requiring intervention in schools and school districts. The superintendent shall submit the system design to the state board of education for review. The state board of education shall recommend approval or modification of the system design to the superintendent no later than January 1, 2014, and the system must be implemented statewide no later than the 2014-15 school year. To the extent state funds are appropriated for this purpose, the system must apply equally to Title I, Title I-eligible, and non-Title I schools in the state.

(2) The state board of education shall develop ~~((an accountability))~~ a Washington achievement index to identify schools and school districts for recognition, for continuous improvement, and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and school districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and school districts to self-assess their progress, and enable the identification of schools with exemplary ~~((student))~~ performance and those that need assistance to overcome challenges in order to achieve exemplary ~~((student))~~ performance.

(3) The state board of education, in cooperation with the office of the superintendent of public instruction, shall annually recognize schools for exemplary performance as measured on the ~~((state board of education accountability))~~ Washington achievement index. The state board of education shall have ongoing collaboration with the ~~((achievement))~~ educational opportunity gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps.

(4) In coordination with the superintendent of public instruction, the state board of education shall seek approval from the United States department of education for use of the ~~((accountability))~~ Washington achievement index and the state system of differentiated support, assistance, and intervention(;) to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

(5) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in ~~((section 112, chapter 548, Laws of 2009))~~ RCW 28A.290.020 to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and school districts but also as a tool for schools and school districts to report to the state legislature and the state board of education on how the state resources received are being used.

NEW SECTION. Sec. 13. A new section is added to chapter 28A.657 RCW to read as follows:

(1) The education accountability system oversight committee is established to provide ongoing monitoring of the outcomes of the comprehensive system of recognition, support, and intervention for schools and school districts established under this chapter.

(2) The oversight committee shall be composed of the following members:

(a) Two members from each of the largest caucuses of the house of representatives, to be appointed by the speaker of the house of representatives;

(b) Two members from each of the largest caucuses of the senate, to be appointed by the president of the senate;

(c) Two members appointed by the governor; and

(d) One nonlegislative member of the educational opportunity gap oversight and accountability committee.

(3) The oversight committee shall choose a chair from among its membership who shall serve as chair for no more than one consecutive year.

(4) The committee shall:

(a) Monitor the progress and outcomes of the education accountability system established under this chapter, including but not limited to the effectiveness in improving student achievement of the tiered system of assistance and intervention provided to challenged schools in need of improvement, persistently lowest-achieving schools in required action districts, and level two required action districts;

(b) Review and make recommendations to the state board of education regarding the proposed assignment of a required action district to level two of the required action process under section 11 of this act;

(c) Make recommendations to the state board of education, the superintendent of public instruction, the governor, and the legislature as necessary if the oversight committee finds that changes to the accountability system should be made; and

(d) Report biennially to the education committees of the legislature.

(5) Staff support for the oversight committee must be provided by the senate committee services and the house of representatives office of program research.

(6) Legislative members of the oversight committee may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 14. RCW 28A.657.125 (Joint select committee on education accountability--Reports) and 2010 c 235 s 114 are each repealed.

NEW SECTION. Sec. 15. Section 5 of this act expires June 30, 2019.

NEW SECTION. Sec. 16. Section 6 of this act takes effect June 30, 2019."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Litzow moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5329.

Senators Litzow and McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Litzow that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5329.

The motion by Senator Litzow carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5329 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5329, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5329, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

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

Voting nay: Senators Hasegawa, Padden and Smith

Excused: Senators Carrell and Shin

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5329, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5355 with the following amendment(s): 5355 AMH LWD H2301.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50.16.010 and 2012 c 198 s 11 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); ~~(and)~~

(viii) The portion of the additional penalties as provided in RCW 50.20.070(2) that is fifteen percent of the amount of benefits overpaid or deemed overpaid; and

(ix) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title, except the portion of the additional penalties as provided in RCW 50.20.070(2) that is fifteen percent of the amount of benefits overpaid or deemed overpaid;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) Except as provided in (d) of this subsection, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d)(i) During the 2007-2009 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for: (A) The cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges; and (B) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of commerce. The remaining appropriation may be expended as specified in (c) of this subsection.

(ii) During the 2009-2011 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended by the department of social and health services as appropriated by the legislature for employment and training services and programs in the WorkFirst program, and for the administrative costs of state agencies participating in the WorkFirst program. The remaining appropriation may be expended as specified in (c) of this subsection.

(4) Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 2. RCW 50.20.070 and 2007 c 146 s 7 are each amended to read as follows:

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(1) With respect to determinations delivered or mailed before January 1, 2008, an individual is disqualified for benefits for any week he or she has knowingly made a false statement or representation involving a material fact or knowingly failed to report a material fact and, as a result, has obtained or attempted to obtain any benefits under the provisions of this title, and for an additional twenty-six weeks beginning with the first week for which he or she completes an otherwise compensable claim for waiting period credit or benefits following the date of the delivery or mailing of the determination of disqualification under this section. However, such disqualification shall not be applied after two years have elapsed from the date of the delivery or mailing of the determination of disqualification under this section.

(2) With respect to determinations delivered or mailed on or after January 1, 2008:

(a) An individual is disqualified for benefits for any week he or she has knowingly made a false statement or representation involving a material fact or knowingly failed to report a material fact and, as a result, has obtained or attempted to obtain any benefits under the provisions of this title;

(b) An individual disqualified for benefits under this subsection for the first time is also:

(i) Disqualified for an additional twenty-six weeks beginning with the Sunday of the week in which the determination is mailed or delivered; and

(ii) With respect to determinations delivered or mailed on or after October 20, 2013, subject to an additional penalty of fifteen percent of the amount of benefits overpaid or deemed overpaid;

(c) An individual disqualified for benefits under this subsection for the second time is also disqualified for an additional fifty-two weeks beginning with the Sunday of the week in which the determination is mailed or delivered, and is subject to an additional penalty of twenty-five percent of the amount of benefits overpaid or deemed overpaid;

(d) An individual disqualified for benefits under this subsection a third time and any time thereafter is also disqualified for an additional one hundred four weeks beginning with the Sunday of the week in which the determination is mailed or delivered, and is subject to an additional penalty of fifty percent of the amount of benefits overpaid or deemed overpaid.

(3) All penalties collected under this section must be expended for the proper administration of this title as authorized under RCW 50.16.010 and for no other purposes.

(4) All overpayments and penalties established by such determination of disqualification must be collected as otherwise provided by this title.

Sec. 3. RCW 50.29.021 and 2011 c 4 s 14 are each amended to read as follows:

(1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after January 4, 2004.

(2)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050 (1)(b) (v) through (x) or (2)(b) (v) through (x).

(3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer ~~(. However, when a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports),~~ except as provided in subsection (5) of this section.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050 (1)(b) (iv) or (xi) or (2)(b) (iv) or (xi), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

(f) With respect to claims with an effective date on or after the first Sunday following April 22, 2005, benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This subsection (3)(f) does not apply to the calculation of contribution rates under RCW 50.29.025 for rate year 2010 and thereafter.

(g) The forty-five dollar increase paid as part of an individual's weekly benefit amount as provided in RCW 50.20.1201 and the twenty-five dollar increase paid as part of an individual's weekly benefit amount as provided in RCW 50.20.1202 shall not be charged to the experience rating account of any contribution paying employer.

(h) With respect to claims where the minimum amount payable weekly is increased to one hundred fifty-five dollars pursuant to RCW 50.20.1201(3), benefits paid that exceed the benefits that would have been paid if the minimum amount payable weekly had been calculated pursuant to RCW 50.20.120 shall not be charged to the experience rating account of any contribution paying employer.

(i) Upon approval of an individual's training benefits plan submitted in accordance with RCW 50.22.155(2), an individual is considered enrolled in training, and regular benefits beginning with the week of approval shall not be charged to the experience rating account of any contribution paying employer.

(j) Training benefits paid to an individual under RCW 50.22.155 shall not be charged to the experience rating account of any contribution paying employer.

(4)(a) A contribution paying base year employer, except employers as provided in subsection (6) of this section, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster;

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter ~~((50.06-50.60))~~ 50.60 RCW; or

(v) Was hired to replace an employee who is a member of the military reserves or National Guard and was called to federal active military service by the president of the United States and is subsequently laid off when that employee is reemployed by their employer upon release from active duty within the time provided for reemployment in RCW 73.16.035.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

(5) When a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(6) An employer's experience rating account may not be relieved of charges for a benefit payment and an employer who reimburses the trust fund for benefit payments may not be credited for a benefit payment if a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to the

claim or claims without establishing good cause for the failure and the employer or employer's agent has a pattern of such failures. The commissioner has the authority to determine whether the employer has good cause under this subsection.

(a) For the purposes of this subsection, "adequately" means providing accurate information of sufficient quantity and quality that would allow a reasonable person to determine eligibility for benefits.

(b)(i) For the purposes of this subsection, "pattern" means a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to a claim or claims without establishing good cause for the failure, if the greater of the following calculations for an employer is met:

(A) At least three times in the previous two years; or

(B) Twenty percent of the total current claims against the employer.

(ii) If an employer's agent is utilized, a pattern is established based on each individual client employer that the employer's agent represents.

Sec. 4. RCW 50.20.190 and 2011 c 301 s 17 are each amended to read as follows:

(1) An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: **PROVIDED**, That in the absence of a back pay award, a settlement affecting the allowance of benefits, fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of or final payment made on the individual's applicable benefit year for which the purported overpayment was made, whichever is later, unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that the overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience (~~(- PROVIDED, HOWEVER, That the)~~). When determining whether the recovery would be against equity and good conscience, the department must consider whether the employer or employer's agent failed to respond timely and adequately to a written request of the department for information relating to the claim or claims without establishing good cause for the failure pursuant to RCW 50.29.021(6). An overpayment ((se)) waived under this subsection shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: **PROVIDED**, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty days of the delivery of the notice of determination of liability, or

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within thirty days of the mailing of the notice of determination, whichever is the earlier, the determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of liability becomes conclusive and final, the commissioner, upon giving at least twenty days' notice, using a method by which the mailing can be tracked or the delivery can be confirmed, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee under RCW 36.18.012(10). The clerk of the county where the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed within five days of its filing with the clerk to the person(s) mentioned in the warrant using a method by which the mailing can be tracked or the delivery can be confirmed.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

(5) Any employer who is a party to a back pay award or settlement due to loss of wages shall, within thirty days of the award or settlement, report to the department the amount of the award or settlement, the name and social security number of the recipient of the award or settlement, and the period for which it is awarded. When an individual has been awarded or receives back pay, for benefit purposes the amount of the back pay shall constitute wages paid in the period for which it was awarded. For contribution purposes, the back pay award or settlement shall constitute wages paid in the period in which it was actually paid. The following requirements shall also apply:

(a) The employer shall reduce the amount of the back pay award or settlement by an amount determined by the department based upon the amount of unemployment benefits received by the recipient of the award or settlement during the period for which the back pay award or settlement was awarded;

(b) The employer shall pay to the unemployment compensation fund, in a manner specified by the commissioner, an amount equal to the amount of such reduction;

(c) The employer shall also pay to the department any taxes due for unemployment insurance purposes on the entire amount of the back pay award or settlement notwithstanding any reduction made pursuant to (a) of this subsection;

(d) If the employer fails to reduce the amount of the back pay award or settlement as required in (a) of this subsection, the department shall issue an overpayment assessment against the recipient of the award or settlement in the amount that the back pay award or settlement should have been reduced; and

(e) If the employer fails to pay to the department an amount equal to the reduction as required in (b) of this subsection, the department shall issue an assessment of liability against the employer which shall be collected pursuant to the procedures for collection of assessments provided herein and in RCW 50.24.110.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent per month of the outstanding balance. Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070 and shall be imposed when the assessment becomes final. For any other overpayment, interest shall accrue when the individual has missed two or more of the individual's monthly payments either partially or in full.

(7) The department shall: (a) Conduct social security number cross-match audits or engage in other more effective activities that ensure that individuals are entitled to all amounts of benefits that they are paid; and (b) engage in other detection and recovery of overpayment and collection activities.

NEW SECTION. Sec. 5. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 6. 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. 7. This act takes effect October 20, 2013."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Holmquist Newbry moved that the Senate concur in the House amendment(s) to Senate Bill No. 5355.

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

The President declared the question before the Senate to be the motion by Senator Holmquist Newbry that the Senate concur in the House amendment(s) to Senate Bill No. 5355.

The motion by Senator Holmquist Newbry carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5355 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5355, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5355, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carrell and Shin

SENATE BILL NO. 5355, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5359 with the following amendment(s): 5359 AMH ELHS H2305.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.030 and 2012 c 55 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial

institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall

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notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(15) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(17) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34

RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

Sec. 2. RCW 26.44.030 and 2012 c 259 s 3 and 2012 c 55 s 1 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department,

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of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Poses a risk of "imminent harm" consistent with the definition provided in RCW 13.34.050, which includes, but is not limited to, sexual abuse and sexual exploitation as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW, or by the department of early learning.

(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(12)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(13) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report; however, upon parental agreement, the family assessment response period may be extended up to ninety days;

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian sign an agreement to participate in services before services are initiated that informs the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not sign the consent form.

(14) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(15) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(16) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(17)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(19) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(20) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of

this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

NEW SECTION. **Sec. 3.** Section 1 of this act expires December 1, 2013.

NEW SECTION. **Sec. 4.** Section 2 of this act takes effect December 1, 2013."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Senate Bill No. 5359.

Senators Pearson and Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Senate Bill No. 5359.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5359 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5359, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5359, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carrell and Shin

SENATE BILL NO. 5359, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5434 with the following amendment(s): 5434-S AMH CODY MORI 052; 5434-S AMH HCW MORI 041

On page 3, after line 11, insert the following:

"**Sec. 2.** RCW 48.44.070 and 1990 c 120 s 9 are each amended to read as follows:

(1) Forms of contracts between health care service contractors and participating providers shall be filed with the insurance commissioner prior to use.

(2) Any contract form not affirmatively disapproved within fifteen days of filing shall be deemed approved, except that the commissioner may extend the approval period an additional fifteen days upon giving notice before the expiration of the initial

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fifteen-day period. The commissioner may approve such a contract form for immediate use at any time. Approval may be subsequently withdrawn for cause.

(3) Subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.05 RCW, the commissioner may disapprove such a contract form if it is in any respect in violation of this chapter or if it fails to conform to minimum provisions or standards required by the commissioner by rule under chapter 34.05 RCW.

(4) This section is suspended, and shall have no effect, until July 1, 2017."

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

On page 6, beginning on line 33, after "**Sec. 4.**" strike all material through "repealed" on line 35 and insert "This act expires on July 1, 2017"

Correct the title.

On page 6, after line 32, insert the following:

"**Sec. 4.** RCW 42.56.400 and 2012 2nd sp.s. c 3 s 8 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140(3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b); ~~(and)~~

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210; and

(22) Information not subject to public inspection or public disclosure under section 1(5) of this act."

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

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Becker moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5434.

Senators Becker and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Becker that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5434.

The motion by Senator Becker carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5434 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5434, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5434, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5434, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5565 with the following amendment(s): 5565-S AMH ELHS H2302.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that the goals of the child welfare system are the safety, permanence, and well-being of the children it serves. The legislature further recognizes the importance of background checks conducted by the department of social and health services to assess an individual's character, suitability, and competence to determine whether an individual is appropriate to be provided a license under chapter 74.13 RCW or have unsupervised access to children. The legislature does not intend to change the current secretary of social and health services' list of crimes and negative actions. However, the legislature believes that either an unreasonable delay in a determination of whether to approve or deny a license under chapter 74.13 RCW or unsupervised access to children, when such unreasonable delay or denial is based solely on a crime or civil infraction not directly related to child safety, is not appropriate and is not in the best interest of the children being served by the child welfare system.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) In determining the character, suitability, and competence of an individual, the department may not:

(a) Deny or delay a license or approval of unsupervised access to children to an individual solely because of a crime or civil infraction involving the individual or entity revealed in the background check process that is not on the secretary's list of crimes and negative actions and is not related directly to child safety, permanence, or well-being; or

(b) Delay the issuance of a license or approval of unsupervised access to children by requiring the individual to obtain records relating to a crime or civil infraction revealed in the background check process that is not on the secretary's list of crimes and negative actions and is not related directly to child safety, permanence, or well-being and is not a permanent disqualifier pursuant to department rule.

(2) If the department determines that an individual does not possess the character, suitability, or competence to provide care or

have unsupervised access to a child, it must provide the reasons for its decision in writing with copies of the records or documents related to its decision to the individual within ten days of making the decision.

(3) For purposes of this section, "individual" means a relative as defined in RCW 74.15.020(2)(a), an "other suitable person" under chapter 13.34 RCW, a person pursuing licensing as a foster parent, or a person employed or seeking employment by a business or organization licensed by the department or with whom the department has a contract to provide care, supervision, case management, or treatment of children in the care of the department. "Individual" does not include long-term care workers defined in RCW 74.39A.009(17)(a) whose background checks are conducted as provided in RCW 74.39A.056.

(4) The department or its officers, agents, or employees may not be held civilly liable based upon its decision to grant or deny unsupervised access to children if the background information it relied upon at the time the decision was made did not indicate that child safety, permanence, or well-being would be a concern.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

The department shall charge a fee to process a request made by a person in another state for an individual's child abuse or neglect history in this state or other background history on the individual possessed by the department. All proceeds from the fees collected must go directly to aiding the cost associated with the department conducting background checks.

Sec. 4. RCW 74.13.020 and 2012 c 205 s 12 are each amended to read as follows:

For purposes of this chapter:

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

(2) "Child" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) "Unsupervised" has the same meaning as in RCW 43.43.830.

Sec. 5. RCW 74.13.020 and 2012 c 259 s 7 and 2012 c 205 s 12 are each reenacted and amended to read as follows:

For purposes of this chapter:

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

(2) "Child" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including

foster care services, family reunification services, adoption services, and preparation for independent living services.

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

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

(15) "Unsupervised" has the same meaning as in RCW 43.43.830.

Sec. 6. RCW 13.34.065 and 2011 c 309 s 24 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, in those areas in which child welfare services are being provided by a supervising agency, the supervising agency shall assume case management responsibilities of the case. The department or supervising agency shall submit a recommendation to the court as to the further need for shelter care in all cases in which the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights

required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the department or supervising agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in RCW 13.38.040, whether the provisions of the federal Indian child welfare act or chapter 13.38 RCW apply, and whether there is compliance with the federal Indian child welfare act and chapter 13.38 RCW, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate

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the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department or supervising agency in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative or other suitable person is not available, the court shall order continued shelter care and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or supervising agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under (b) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall

not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

NEW SECTION. Sec. 7. (1) The legislature finds that any person who has had a founded finding of child abuse or neglect or has been involved in a dependency action involving one or more of his or her children is able to turn his or her life around and establish good parenting relationships with his or her children. Unfortunately, his or her prior involvement with child protective services or the dependency court can hamper such a person's ability to find future employment, especially if the employment involves unsupervised access to children or other vulnerable populations.

(2) The legislature further finds that a number of states permit convicted offenders to seek a certificate of rehabilitation in certain situations. Generally, the certificate declares that a convicted individual is rehabilitated after completing a prison sentence or being released on parole or supervision. Usually, the applicant for a certificate must prove that he or she has met certain criteria before a certificate will be awarded. Such a certificate often restores certain rights to the applicant and makes him or her eligible for certain employment for which he or she would not be eligible without the certificate.

(3) A nonprofit with expertise in veteran parent programs shall convene a work group in consultation with the department of social and health services to explore options, including a certificate of rehabilitation, for addressing the impact of founded complaints on the ability of rehabilitated individuals to gain employment or care for children, including volunteer activities. The work group must contain, but not be limited to, persons representing the following: The courts, veteran parents, parent attorneys, foster parents, relative caregivers, kinship caregivers, child-placing agencies, the attorney general's office, the governor's policy office, the office of public defense parent representation program, and the legislature.

(4) The work group shall report recommendations to the appropriate committees of the legislature no later than December 31, 2013.

NEW SECTION. **Sec. 8.** The department of social and health services shall adopt all necessary rules to implement this act.

NEW SECTION. **Sec. 9.** Section 4 of this act expires December 1, 2013.

NEW SECTION. **Sec. 10.** Section 5 of this act takes effect December 1, 2013."

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Pearson moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5565.

Senators Pearson and Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5565.

The motion by Senator Pearson carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5565 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5565, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5565, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Carrell and Shin

SUBSTITUTE SENATE BILL NO. 5565, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2013

MR. PRESIDENT:

The House passed SENATE BILL NO. 5809 with the following amendment(s): 5809 AMH ENGR H2342.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.215.130 and 2010 1st sp.s. c 37 s 933 are each amended to read as follows:

(1)(a) The home visiting services account is created in the ~~((custody of the state treasurer))~~ state treasury. Revenues to the account shall consist of appropriations by the legislature and all other sources deposited in the account. All federal funds received by the department for home visiting activities must be deposited into the account.

(b)(i) Expenditures from the account shall be used for state matching funds for the purposes of the program established in this section and federally funded activities for the home visiting program, including administrative expenses. ~~((Only the director or the director's designee may authorize expenditures from the account.))~~

(ii) The department oversees the account and is the lead state agency for home visiting system development. The nongovernmental private-public partnership administers the home visiting service delivery system and provides implementation support functions to funded programs.

(iii) It is the intent of the legislature that state funds invested in the account be matched at fifty percent by the private-public partnership each fiscal year. However, state funds in the account may be accessed in the event that the private-public partnership fails to meet the fifty percent match target. Should the private-public partnership not meet the fifty percent match target by the conclusion of the fiscal year ending on June 30th, the department and the private-public partnership, shall jointly submit a report to the relevant legislative committees detailing the reasons why the fifty percent match target was not met, the actual match rate achieved, and a plan to achieve fifty percent match in the subsequent fiscal year. This report shall be submitted as promptly as practicable, but the lack of receipt of this report shall not prevent state funds in the account from being accessed.

(iv) Amounts used for program administration by the department may not exceed an average of four percent in any two consecutive fiscal years.

(v) Authorizations for expenditures may be given only after private funds are committed ~~((and available))~~. The nongovernmental private-public partnership must report to the department quarterly to demonstrate sufficient investment of private match funds.

(c) Expenditures from the account are ~~((exempt from the appropriations and))~~ subject to appropriation and the allotment provisions of chapter 43.88 RCW. ~~((However, amounts used for program administration by the department are subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.))~~

(2) The department must expend moneys from the account to provide state matching funds for partnership activities to implement home visiting services and administer the infrastructure necessary to develop, support, and evaluate evidence-based, research-based, and promising home visiting programs.

(3) Activities eligible for funding through the account include, but are not limited to:

(a) Home visiting services that achieve one or more of the following: (i) Enhancing child development and well-being by alleviating the effects on child development of poverty and other known risk factors; (ii) reducing the incidence of child abuse and neglect; or (iii) promoting school readiness for young children and their families; and

(b) Development and maintenance of the infrastructure for home visiting programs, including training, quality improvement, and evaluation.

(4) Beginning July 1, 2010, the department shall contract with the nongovernmental private-public partnership designated in RCW 43.215.070 to administer programs funded through the home visiting services account. The department shall monitor performance and provide periodic reports on the use outcomes of the home visiting services account.

(5) The nongovernmental private-public partnership shall, in the administration of the programs:

(a) Fund programs through a competitive bid process or in compliance with the regulations of the funding source; and

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(b) Convene an advisory committee of early learning and home visiting experts, including one representative from the department, to advise the partnership regarding research and the distribution of funds from the account to eligible programs.

((6) To promote continuity for families receiving home visiting services through programs funded on May 4, 2010, those programs funded under chapter 43.121 RCW shall be funded through June 30, 2012, based on availability of funds and the achievement of stated performance goals. This section does not require any program to receive continuous funding beyond June 30, 2012. Organizations that may receive program funding include local health departments; nonprofit, neighborhood-based, community, regional, or statewide organizations; and federally recognized Indian tribes located in the state.))"

Correct the title.
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Litzow moved that the Senate concur in the House amendment(s) to Senate Bill No. 5809.

Senator Litzow spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Litzow that the Senate concur in the House amendment(s) to Senate Bill No. 5809.

The motion by Senator Litzow carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5809 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5809, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5809, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon, Smith and Tom

Voting nay: Senator Padden
Excused: Senators Carrell and Shin

SENATE BILL NO. 5809, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5897, by Senator Pearson

Concerning state parks.

MOTIONS

On motion of Senator Pearson, Substitute Senate Bill No. 5897 was substituted for Senate Bill No. 5897 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. 5897 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pearson, Rolfes, Smith and Kline spoke in favor of passage of the bill.

Senators Chase, Hasegawa and Conway spoke against passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5897 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

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

Voting nay: Senators Chase, Conway and Hasegawa
Excused: Senators Carrell and Shin

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.

SECOND READING

SENATE BILL NO. 5904, by Senators Hill, Hargrove, Litzow and Billig

Concerning high quality early learning.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 5904 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Billig 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. 5904.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5904 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

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, Mullet, Murray, Nelson, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schlicher, Schoesler, Sheldon and Tom

Voting nay: Senators Padden and Smith

Excused: Senators Carrell and Shin

SENATE BILL NO. 5904, 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.

At 1:27 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Monday, April 22, 2013.

BRAD OWEN, President of the Senate

HUNTER GOODMAN, Secretary of the Senate

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