

SIXTY SIXTH LEGISLATURE - REGULAR SESSION**FIFTY EIGHTH DAY**

House Chamber, Olympia, Tuesday, March 10, 2020

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kathryn Hanson and Rhett Nelson. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Rhyan Smith, Grace Community Covenant Church, Olympia, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2486 and the bill was placed on the second reading calendar.

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 6613 and the bill was placed on the second reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2486, by Representatives Lekanoff, Fitzgibbon, Leavitt, Doglio, Ramel and Hudgins

Extending the electric marine battery incentive.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2486 was substituted for House Bill No. 2486 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2486 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lekanoff and Orcutt spoke in favor of the passage of the bill.

Representative Senn spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Paul was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2486.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2486, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Frame, Leavitt, Santos and Senn.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2486, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2825, by Representatives Goehner, Chapman, Steele, Dent, DeBolt, Mosbrucker, Mead, Boehnke, Tarleton, Orcutt, Dufault, McCaslin, Ybarra, Blake, Fitzgibbon and Shea

Promoting oil-free hydroelectric turbine technology.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2825 was substituted for House Bill No. 2825 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2825 was read the second time.

Representative Fitzgibbon moved the adoption of the striking amendment (2175):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 82.08 RCW to read as follows:

(1) A taxpayer is eligible for an exemption, in the form of a remittance, from the tax levied by RCW 82.08.020 on:

(a) The sale of oil-free adjustable blade hubs for hydroelectric turbines;

(b) The sale of or charge made for labor and services rendered in respect to constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines; and

(c) The sale of tangible personal property that will become a component of oil-free adjustable blade hubs for hydroelectric turbines during the course of constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines.

(2) (a) Any taxpayer claiming exemption from retail sales tax under the provisions of this section must pay the state and local sales tax to the seller at the time of purchase and then request a remittance from the department in accordance with this subsection. The request for remittance must include any information and documentation as required by the department, which may include the sales price of any goods or services purchased, the amount of sales tax paid on the item, the date of the purchase, the name of the seller and the physical address where the sale took place, and copies of sales receipts showing the qualified purchases.

(b) Requests for remittance must be made on an annual basis. A taxpayer may not submit more than one request for remittance for a given calendar year, except to amend a request.

(c) As part of the application for a remittance under this section, in cases where the labor and services as described in subsection (1)(b) of this section are provided under contract, the taxpayer must attest:

(i) (A) That the contractors on the project, for which the labor and services described in subsection (1)(b) of this section are rendered, have a history of complying with federal and state wage and hour laws and regulations; or

(B) That the project, for which the labor and services described in subsection (1)(b) of this section are rendered, is developed under a community workforce agreement or project labor agreement; or

(ii) That, if the contract for labor and services described under subsection (1)(b) of this section was executed prior to July 1, 2020, and the remaining labor and services will be rendered on or after July 1, 2020, either of the conditions in (c)(i) of this subsection (2) is met and wages consistent with chapter 39.12 RCW are paid on the project.

(d) If the department determines that any of the facts attested to as required under (c) of this subsection are not true, the department must deny the application for remittance. However, nothing in this section requires the department to endeavor to determine the veracity of the facts attested to as required under (c) of this subsection. Upon the department's request, state agencies must provide assistance to the department in reviewing the information submitted by a generating utility as required by (c) of this subsection.

(e) Any taxpayer claiming exemption from retail sales tax under the provisions of this section must also report to the department the amount of energy expected to be generated by the hydroelectric turbines associated with the exemption in the twelve months following the date of the request. The department must make this information available to the joint legislative audit and review committee.

(3) The exemption provided by this section is only for the state portion of the sales tax. For purposes of this section, the state portion of the sales tax is not reduced by any local sales tax that is deducted or credited against the state sales tax as provided by law.

(4) The definitions in this subsection apply throughout this section and section 2 of this act unless the context clearly requires otherwise:

(a) "Electric utility" has the same meaning as defined in RCW 19.29A.010.

(b) "Hydroelectric turbine" means a mechanical wheel that is moved by water and connected to a generator to produce electricity in a hydroelectric project owned by an electric utility.

(c) "Oil-free adjustable blade hub for hydroelectric turbines" means a type of horizontal or vertical hydroelectric turbine with adjustable blades that does not use oil on the runner hub to lubricate the internal components.

(5) This section expires July 1, 2030.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

(1) A taxpayer is eligible for an exemption, in the form of a remittance, from the tax levied by RCW 82.12.020 on:

(a) Oil-free adjustable blade hubs for hydroelectric turbines;

(b) Labor and services rendered in respect to constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines; and

(c) Tangible personal property that will become a component of oil-free adjustable blade hubs for hydroelectric turbines during the course of constructing, installing, repairing, altering, cleaning, or improving oil-free adjustable blade hubs for hydroelectric turbines.

(2) All of the eligibility requirements, conditions, limitations, and definitions in section 1 of this act apply to this section.

(3) This section expires July 1, 2030.

NEW SECTION. Sec. 3. (1) This section is the tax preference performance statement for the tax preference contained in sections 1 and 2, chapter . . . , Laws of 2020 (sections 1 and 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to improve industry competitiveness as indicated in RCW 82.32.808(2)(b).

(3) It is the legislature's specific public policy objective to promote the use of oil-free hydroelectric turbine technology.

(4) If a review finds that there is an increase in the number of taxpayers claiming the exemption provided in this act and in the amount of energy generated by the hydroelectric turbines associated with this exemption, then the legislature intends to extend the expiration date of this tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

NEW SECTION. Sec. 4. This act takes effect July 1, 2020."

Correct the title.

Representatives Fitzgibbon and Goehner spoke in favor of the adoption of the striking amendment.

The striking amendment (2175) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goehner, Fitzgibbon and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2825.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2825, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Frame, Kirby, Leavitt and Senn.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2825, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5147, by Senate Committee on Ways & Means (originally sponsored by Wilson, L., Brown, Carlyle, Conway, Darneille, Palumbo, Keiser, Mullet, O'Ban, Short, Wagoner and Warnick)

Providing tax relief to females by exempting feminine hygiene products from retail sales and use tax. Revised for 1st Substitute: Providing tax relief to females by exempting feminine hygiene products from retail sales and use tax. (REVISED FOR ENGROSSED: Providing tax relief by exempting menstrual products from retail sales and use tax.)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kraft spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5147.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5147, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Frame and Ryu.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5147, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6312, by Senators Zeiger, O'Ban and Rolfes

Making the nonprofit and library fund-raising exemption permanent.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Tarleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6312.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6312, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Frame.

Excused: Representative Paul.

SENATE BILL NO. 6312, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6613, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Rolfes, Lovelett and Saldaña)

Concerning the inspection of marine aquatic farming locations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton, Chandler and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6613.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6613, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goodman, Gregerson, Griffey, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Corry, Dufault, Dye, Goehner, Graham, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Sutherland, Vick, Volz, Walsh and Young.

Excused: Representative Paul.

SUBSTITUTE SENATE BILL NO. 6613, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

March 6, 2020

Mme. SPEAKER:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1661, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 5.** (1) The legislature finds that:

(a) Chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981) established a framework to

allow the state's institutions of higher education to begin funding the unfunded portion of the defined benefit component of the higher education retirement plans.

(b) Moneys in the fund are being invested in short-term assets with low rates of return because there is no stated or clear pathway for when these funds will be used to pay benefits and that a stated strategy would allow these funds to be invested at a higher rate of return.

(c) The first actuarial analysis of the plans was completed in 2016, which provided information about projected future costs and potential institution specific rates that would allow benefits to be paid from the fund beginning in 2035.

(2) Therefore, the legislature intends the following:

(a) To establish institution specific contribution rates for each institutions of higher education supplemental benefit plan.

(b) The pension funding council will adjust the institution specific rates periodically based on updated experience and actuarial analyses to maintain progress towards funding the actuarial liabilities of each institution and to allow payment from the funds by 2035.

(c) Future contribution rates represent the cost of paying on a combined prefunded and pay-as-you-go basis in a way that reduces the year-to-year changes in cost that the higher education retirement plan supplemental benefit has under current law.

(d) The department of retirement systems assumes responsibility for administering the higher education retirement plan supplemental benefit fund when sufficient assets have been accumulated, as determined by the pension funding council.

(e) When sufficient funding has been accumulated to begin making benefit payments that the payments be made solely from that institution's portion of the higher education retirement plan supplemental benefit fund.

(f) That moneys in the fund be invested in a way to maximize returns.

Sec. 6. RCW 28B.10.423 and 2012 c 229 s 516 are each amended to read as follows:

(1) For employees who are first employed by an institution of higher education in a position eligible for participation in an old age annuities or retirement income plan under this chapter prior to July 1, 2011, it is the intent of RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420~~((τ))~~ and ~~((28B.10.423))~~ this section that the retirement income resulting from the contributions described herein from the state of Washington and the employee shall be projected actuarially so that it shall not exceed sixty percent of the average of the highest two consecutive years salary. Periodic review of the retirement systems established pursuant to RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, and 28B.10.420~~((τ))~~ and ~~((28B.10.423))~~ this section will be undertaken at such time and in such manner as determined by the committees on ways and means of the senate and of the house of representatives, the select committee on pension policy, and the pension funding council, and joint contribution rates will be adjusted if necessary to accomplish this intent.

(2) Beginning July 1, 2011, state funding for annuity or retirement income plans under RCW 28B.10.400 shall not exceed six percent of salary. The state board for community and technical colleges and the student achievement council are exempt from the provisions of this subsection (2).

(3) By June 30, 2013, and every two years thereafter, each institution of higher education that is responsible for payment of supplemental amounts under RCW 28B.10.400(1)(c) shall contract with the state actuary under chapter 41.44 RCW for an actuarial valuation of their supplemental benefit plan. By June 30, 2013, and at least once every six years thereafter, each institution shall also contract with the state actuary under chapter 41.44 RCW for an actuarial experience study of the mortality, service, compensation, and other experience of the annuity or retirement income plans created in this chapter, and into the financial condition of each system. At the discretion of the state actuary, the valuation or experience study may be performed by the state actuary or by an outside actuarial firm under contract to the office of the state actuary. Each institution of higher education is required to provide the data and information required for the

performance of the valuation or experience study to the office of the state actuary or to the actuary performing the study on behalf of the state actuary. The state actuary may charge each institution for the actual cost of the valuation or experience study through an interagency agreement. Upon completion of the valuation or experience study, the state actuary shall provide copies of the study to the institution of higher education and to the select committee on pension policy and the pension funding council.

~~((4) (a) ((A higher education retirement plan supplemental benefit fund is created in the custody of the state treasurer for the purpose of funding future benefit obligations of higher education retirement plan supplemental benefits. The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the fund.~~

~~((b))~~ From January 1, 2012, through June 30, 2013, an employer contribution rate of one-quarter of one percent of salary is established to begin prefunding the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((e))~~ (b) Beginning July 1, 2013, an employer contribution rate of one-half of one percent of salary is established to prefund the unfunded future obligations of the supplemental benefit established in RCW 28B.10.400.

~~((d))~~ (c) (i) Beginning July 1, 2020, the employer contribution rates for each state institution of higher education are as follows:

University of Washington: 0.38 percent

Washington State University: 0.30 percent

Western Washington University: 0.21 percent

Eastern Washington University: 0.28 percent

Central Washington University: 0.00 percent

The Evergreen State College: 0.23 percent

State board for community and technical colleges: 0.13 percent

(ii) The contribution rates established in this section may be changed by rates adopted by the pension funding council beginning July 1, 2021, consistent with (e) of this subsection.

(iii) The rates in this subsection (4) are subject to the limit established in subsection (2) of this section.

(d) Consistent with chapter 41.50 RCW, the department of retirement systems shall collect the employer contribution rates established in this section from each state institution of higher education, and deposit those contributions into the higher education retirement plan supplemental benefit fund under RCW 41.50.075(6). The contributions made by each employer into the higher education retirement plan supplemental benefit fund and the earnings on those contributions shall be accounted for separately within the fund.

(e) Following the completion and review of the ((initial)) actuarial valuations and experience study conducted pursuant to subsection (3) of this section, the pension funding council may((+

~~(i) Adopt~~)), by July 31, 2020, and every two years thereafter, adopt and make changes to the employer contribution rates established in this subsection consistent with the procedures established in chapter 41.45 RCW. If the actuarial valuations of the higher education retirement plans of each institution contributing to the higher education retirement plan supplemental benefit fund suggest that different contribution rates are appropriate for each institution, different rates may be adopted. Rates adopted by the pension funding council are subject to revision by the legislature((+

~~(ii) Recommend legislation that will, upon accumulation of sufficient funding in the higher education retirement plan supplemental benefit fund, transfer the responsibility for making supplemental benefit payments to the department of retirement systems, and adjust employer contribution rates to reflect the transfer of responsibility~~)).

(f)(i) The rates adopted by the pension funding council must be designed to keep the cost of the higher education retirement plan supplemental benefits at a more level percentage of pay than a pay-as-you-go method. This more level

percentage of pay of costs means a combination of the cost of supplemental benefits paid by the institution directly, plus the cost of contributions to the higher education retirement plan supplemental benefit fund. Contributions shall continue until the projected value of the funds equals the projected cost of future benefits for the institution.

(ii) Funds are anticipated to be accumulated in the higher education retirement plan supplemental benefit fund, and not expended on benefits until approximately the year 2035.

(iii) The pension funding council, in consultation with the state actuary, may choose and occasionally revise, a funding method designed to achieve these objectives.

Sec. 7. RCW 41.45.050 and 2004 c 242 s 38 are each amended to read as follows:

(1) Employers of members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, the public safety employees' retirement system, ~~((and))~~ the Washington state patrol retirement system, and the higher education retirement plans shall make contributions to those systems and plans based on the rates established in RCW 41.45.060 and 41.45.070.

(2) The state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2 based on the rates established in RCW 41.45.060 and 41.45.070. The state treasurer shall transfer the required contributions each month on the basis of salary data provided by the department.

(3) The department shall bill employers, and the state shall make contributions to the law enforcement officers' and firefighters' retirement system plan 2, using the combined rates established in RCW 41.45.060 and 41.45.070 regardless of the level of appropriation provided in the biennial budget. Any member of an affected retirement system may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed in this section.

(4) The contributions received for the public employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public employees' retirement

system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the public employees' retirement system combined plan 2 and plan 3 employer contribution shall first be deposited in the public employees' retirement system combined plan 2 and plan 3 fund. All remaining public employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(5) The contributions received for the teachers' retirement system shall be allocated between the plan 1 fund and the combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining teachers' retirement system employer contributions shall be deposited in the plan 1 fund.

(6) The contributions received for the school employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the school employees' retirement system combined plan 2 and plan 3 fund as follows: The contributions necessary to fully fund the combined plan 2 and plan 3 employer contribution shall first be deposited in the combined plan 2 and plan 3 fund. All remaining school employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(7) The contributions received for the law enforcement officers' and firefighters' retirement system plan 2 shall be deposited in the law enforcement officers' and firefighters' retirement system plan 2 fund.

(8) The contributions received for the public safety employees' retirement system shall be allocated between the public employees' retirement system plan 1 fund and the public safety employees' retirement system plan 2 fund as follows: The contributions necessary to fully fund the plan 2 employer contribution shall first be deposited in the plan 2 fund. All remaining public safety employees' retirement system employer contributions shall be deposited in the public employees' retirement system plan 1 fund.

(9) The contributions received for the higher education retirement plan supplemental benefit fund shall be deposited in the higher education

retirement plan supplemental benefit fund and amounts received from each institution accounted for separately and shall only be used to make benefit payments to the beneficiaries of that institution's plan.

Sec. 8. RCW 41.45.060 and 2009 c 561 s 3 are each amended to read as follows:

(1) The state actuary shall provide preliminary actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035.

(2) Not later than July 31, 2008, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and firefighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system; and

(c) Basic employer contribution rates for the school employees' retirement system and the public safety employees' retirement system for funding both those systems and the public employees' retirement system plan 1.

The council may adopt annual rate changes for any plan for any rate-setting period. The contribution rates adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the law enforcement officers' and firefighters' retirement system plan 1 not later than June 30, 2024;

(b) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) To fully fund the public employees' retirement system plan 1 and the teachers' retirement system plan 1 in accordance with RCW 41.45.070, 41.45.150, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 normal cost, a Washington state patrol retirement system normal cost, and a public safety employees' retirement system normal cost.

(5) A modified entry age normal cost method, as set forth in this chapter, shall be used to calculate employer contributions to the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The employer contribution rate for the public employees' retirement system and the school employees' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(7) The employer contribution rate for the public safety employees' retirement system shall equal the sum of:

(a) The amount required to pay the normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability

in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(8) The employer contribution rate for the teachers' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the teachers' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the teachers' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150.

(9) The employer contribution rate for each of the institutions of higher education for the higher education supplemental retirement benefits must be sufficient to fund, as a level percentage of pay, a portion of the projected cost of the supplemental retirement benefits for the institution beginning in 2035, with the other portion supported on a pay-as-you-go basis, either as direct payments by each institution to retirees,

or as contributions to the higher education retirement plan supplemental benefit fund. Contributions must continue until the council determines that the institution for higher education supplemental retirement benefit liabilities are satisfied.

(10) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

~~((10))~~ (11) The director shall collect those rates adopted by the council. The rates established in RCW 41.45.062, or by the council, shall be subject to revision by the legislature.

~~((11))~~ (12) The state actuary shall prepare final actuarial valuation results based on the economic assumptions, asset value smoothing technique, and contribution rates included in or adopted under RCW 41.45.030, 41.45.035, and this section.

Sec. 9. RCW 41.50.075 and 2004 c 242 s 44 are each amended to read as follows:

(1) Two funds are hereby created and established in the state treasury to be known as the Washington law enforcement officers' and firefighters' system plan 1 retirement fund, and the Washington law enforcement officers' and firefighters' system plan 2 retirement fund which shall consist of all moneys paid into them in accordance with the provisions of this chapter and chapter 41.26 RCW, whether such moneys take the form of cash, securities, or other assets. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 1, and the plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the law enforcement officers' and firefighters' retirement system plan 2.

(2) All of the assets of the Washington state teachers' retirement system shall be credited according to the purposes for which they are held, to two funds to be maintained in the state treasury, namely, the teachers' retirement system plan 1 fund and the teachers' retirement system combined plan 2 and 3 fund. The plan 1 fund shall consist of all moneys paid to finance the

benefits provided to members of the Washington state teachers' retirement system plan 1, and the combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the Washington state teachers' retirement system plan 2 and 3.

(3) There is hereby established in the state treasury two separate funds, namely the public employees' retirement system plan 1 fund and the public employees' retirement system combined plan 2 and plan 3 fund. The plan 1 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plan 1, and the combined plan 2 and plan 3 fund shall consist of all moneys paid to finance the benefits provided to members of the public employees' retirement system plans 2 and 3.

(4) There is hereby established in the state treasury the school employees' retirement system combined plan 2 and 3 fund. The combined plan 2 and 3 fund shall consist of all moneys paid to finance the benefits provided to members of the school employees' retirement system plan 2 and plan 3.

(5) There is hereby established in the state treasury the public safety employees' retirement system plan 2 fund. The plan 2 fund shall consist of all moneys paid to finance the benefits provided to members of the public safety employees' retirement system plan 2.

(6) (a) (i) There is hereby established in the state treasury the higher education retirement plan supplemental benefit fund. The higher education retirement plan supplemental benefit fund shall consist of all moneys paid to finance the benefits provided to members of each of the higher education retirement plans.

(ii) The fund in this subsection (6) was originally created under chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House Bill No. 1981).

(b) The office of financial management must create individual accounts for each institution of higher education within the higher education retirement plan supplemental benefit fund. For fiscal year 2021, the office of financial management must transfer all the assets of the higher education retirement plan supplemental benefit fund into the individual accounts for

each institution that will be used to manage the accounting for each benefit plan. The higher education retirement plan supplemental benefit fund will include all the amounts in the individual accounts created in this subsection.

NEW SECTION. Sec. 10. A new section is added to chapter 41.50 RCW to read as follows:

(1) On July 1st of the fiscal year following a determination by the pension funding council that a higher education institution has sufficiently funded the liabilities of that institution through contributions to the higher education retirement plan supplemental benefit fund, the department shall assume responsibility for making benefit payments to higher education retirement plan supplemental beneficiaries for that institution from the portion of the higher education retirement plan supplemental benefit fund attributed to the individual institution.

(2) Immediately following the determination by the pension funding council under RCW 41.45.060(9) that an institution participating in the higher education retirement plan supplemental benefits has sufficiently funded the benefits of the plan that higher education institution:

(a) Must provide any data and assistance requested by the department to facilitate the transition of responsibility for making benefit payments to higher education retirement plan members eligible for supplemental benefit payments; and

(b) Is governed by the provisions of RCW 41.50.110.

(3) On the date that the department assumes responsibility for benefit payments under subsection (1) of this section, the department shall assess contributions to the department of retirement systems' expense fund under RCW 41.50.110(3) for active participants in the higher education retirement plan. Contributions to the expense fund for higher education retirement plan members must end when there are no longer retirees or beneficiaries from an institution receiving payments administered by the department.

(4) (a) Upon the department's assumption of responsibility for making benefit payments from an institution's higher education retirement plan, the

institution shall submit to the department the benefit level for current higher education retirement plan supplemental beneficiaries, and each month following the department's assumption of responsibility for making benefit payments to an institution's higher education retirement plan supplemental beneficiaries, the institution shall submit to the department information on any new retirees covered by the higher education retirement plan supplemental benefit. The submission shall include all data relevant to the calculation of a supplemental benefit for each retiree, and the benefit that the institution determines the individual qualifies to receive. No later than January 1st, following the funding determination in RCW 41.45.060(9) that begins the transition of responsibility for benefit payments to the department, the department shall provide the institution with a notice of what data will be required to determine higher education retirement plan supplemental benefit determinations for future retirees.

(b) The department shall review the information provided by the institution for each retiring higher education retirement plan member eligible for the supplemental benefit and determine the supplemental benefit amount the member is eligible to receive, if any.

(c) In the event that the department is not provided with all data required by the notice in (a) of this subsection, the institution of higher education will remain responsible for payment of higher education retirement plan supplemental benefits to that member. In addition, the collection of overpayments and error correction provisions of this chapter apply in the event that the department makes supplemental benefit payments based on incomplete or inaccurate data provided by an institution.

Sec. 11. RCW 43.84.092 and 2019 c 421 s 15, 2019 c 403 s 14, 2019 c 365 s 19, 2019 c 287 s 19, and 2019 c 95 s 6 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds

associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation

account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust

account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide broadband account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the

transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of

earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 12.** This act takes effect July 1, 2020."

2SHB 1661 - S COMM AMD

By Committee on Ways & Means

ADOPTED 03/06/2020

On page 1, line 1 of the title, after "plans;" strike the remainder of the title and insert "amending RCW 28B.10.423, 41.45.050, 41.45.060, and 41.50.075; reenacting and amending RCW 43.84.092; adding a new section to chapter 41.50 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1661 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 5, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 13.** The legislature recognizes that the federal every student succeeds act of 2015, P.L. 114-95, reauthorized and amended the elementary and secondary education act of 1965, the federal policy and funding assistance framework for the nation's public education system.

Two of the stated purposes of the every student succeeds act are to provide all children with a significant opportunity to receive a fair, equitable,

and high quality education, and to close educational achievement gaps.

The legislature further recognizes that Article IX of the state Constitution provides that it is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

While the partnership of federal and state law is critical in ensuring that the civil and education rights of students are upheld, efforts in Washington to fully realize state and federal objectives, especially with respect to the delivery of education services in institutional facilities, remain unfinished.

The legislature, therefore, intends to establish a task force on improving institutional education programs and outcomes, with tasks and duties generally focused on educational programs in the juvenile justice system. In so doing, the legislature intends to examine issues that have not been significantly explored in recent years, build a shared understanding of past and present circumstances, and develop recommendations for improving the delivery of education services, and associated outcomes, for youth in institutional facilities.

NEW SECTION. **Sec. 14.** (1)(a) The task force on improving institutional education programs and outcomes is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate, with each member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with one member serving on the committee with jurisdiction over education issues, and one member serving on the committee with jurisdiction over basic education funding.

(iii) The governor shall appoint one member each from the state board of education and the department of children,

youth, and families, and one member representing an organization that provides free legal advice to youth who are involved in, or at risk of being involved in, the juvenile justice system.

(iv) The superintendent of public instruction shall appoint three members: One member representing the superintendent of public instruction; one member who is a principal from a school district with at least twenty thousand enrolled students that provides education services to a juvenile rehabilitation facility; and one member who is a teacher with expertise in providing education services to residents of a juvenile rehabilitation facility.

(v) The task force must also include one member representing the educational opportunity gap oversight and accountability committee, selected by the educational opportunity gap oversight and accountability committee.

(b) The task force shall choose its cochair from among its legislative membership. One cochair must be from a minority caucus in one of the two chambers of the legislature. A member from the majority caucus of the house of representatives shall convene the initial meeting of the task force by May 1, 2020.

(2) The task force shall examine the following issues:

(a) Goals and strategies for improving the coordination and delivery of education services to youth involved with the juvenile justice system, especially youth in juvenile rehabilitation facilities, and children receiving education services, including home or hospital instruction, under RCW 28A.155.090;

(b) The transmission of student records, including individualized education programs and plans developed under section 504 of the rehabilitation act of 1973, for students in institutional facilities, and recommendations for ensuring that those records are available to the applicable instructional staff within two business days of a student's admission to the institution;

(c) Goals and strategies for increasing the graduation rate of youth in institutional facilities, and in recognition of the transitory nature of

youth moving through the juvenile justice system, issues related to grade level progression and academic credit reciprocity and consistency to ensure that:

(i) Core credits earned in an institutional facility are considered core credits by public schools that the students subsequently attend; and

(ii) Public school graduation requirements, as they applied to a student prior to entering an institutional facility, remain applicable for the student upon returning to a public school;

(d) Goals and strategies for assessing adverse childhood experiences of students in institutional education and providing trauma-informed care;

(e) An assessment of the level and adequacy of basic and special education funding for institutional facilities. The examination required by this subsection (2)(e) must include information about the number of students receiving special education services in institutional facilities, and a comparison of basic and special education funding in institutional facilities and public schools during the previous ten school years;

(f) An assessment of the delivery methods, and their adequacy, that are employed in the delivery of special education services in institutional facilities, including associated findings;

(g) School safety, with a focus on school safety issues that are applicable in institutional facilities; and

(h) Special skills and services of faculty and staff, including associated professional development and nonacademic supports necessary for addressing social emotional and behavioral health needs presenting as barriers to learning for youth in institutional facilities.

(3) The task force, in completing the duties prescribed by this section, shall solicit and consider information and perspectives provided by the department of corrections and persons and entities with relevant interest and expertise, including from persons with experience reintegrating youth from institutional facilities into school and the community at large, and from persons who provide education services in secure facilities

housing persons under the age of twenty-five, examples of which include county jails, juvenile justice facilities, and community facilities as defined in RCW 72.05.020.

(4) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The office of financial management, the office of the superintendent of public instruction, the department of children, youth, and families, and the department of corrections shall cooperate with the task force and provide information as the cochairs may reasonably request.

(5) Legislative members of the task force are to be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(6) In accordance with RCW 43.01.036, the task force shall report its findings and recommendations to the governor and the appropriate committees of the house of representatives and the senate by December 15, 2020, in time for the legislature to take action on legislation that is consistent with the findings and recommendations during the 2021 legislative session.

(7) This section expires June 30, 2021.

NEW SECTION. Sec. 15. 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."

On page 1, line 2 of the title, after "outcomes;" strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE

HOUSE BILL NO. 2116 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 5, 2020

Mme. SPEAKER:

The Senate has passed **SUBSTITUTE HOUSE BILL NO. 2511**, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 16. Whereas there is increasing demand for domestic service professions and domestic workers are often isolated and vulnerable to exploitation, it is a priority for the legislature to provide workers with clear rights and freedom from harassment and protection from retaliation; and to make clear for hiring entities which actions are prohibited in a domestic service employment relationship.

NEW SECTION. Sec. 17. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Casual labor" refers to work that is irregular, uncertain, and incidental in nature and duration and is different in nature from the type of paid work in which the worker is customarily engaged in.

(2) "Challenging behavior" means behavior by a person receiving services or a hiring entity who is the recipient of services from a domestic worker that is specifically caused by or related to a disability that manifests in a way that might be experienced by a domestic worker as offensive or presenting a safety risk.

(3) "Discrimination" means employment discrimination prohibited by chapter 49.60 RCW.

(4) "Domestic service" means household services for members of households or their guests in private homes. This includes the maintenance of private homes or their premises.

(5) (a) "Domestic worker" includes hourly and salaried employees who are paid wages for their services and includes any worker who:

(i) Works for one or more hiring entity; and

(ii) Is an individual who works in residences as a nanny, house cleaner, home care worker, cook, gardener, or household manager, or for any domestic service purpose including but not limited to: Caring for a child; providing support services for a person who is sick, convalescing, elderly, or a person with a disability; providing housekeeping or house cleaning services; cooking; providing food or butler services; parking cars; cleaning laundry; gardening; or working as a household manager.

(b) "Domestic worker" does not include:

(i) Persons who provide babysitting on a casual labor basis;

(ii) Any individual employed in casual labor in or about a private home, unless performed in the course of the hiring entity's trade, business, or profession;

(iii) Individual providers, as defined in RCW 74.39A.240;

(iv) Persons who perform house sitting, pet sitting, food delivery services, and dog walking duties that do not involve domestic service;

(v) An au pair participant who has been granted a J-1 visa for participation in the federal department of state designated exchange visitor program governed by 22 C.F.R. Sec. 62.31;

(vi) Persons who provide services to members of their own family when:

(A) The family members have mutually agreed that care is provided gratuitously;

(B) The person who provides services or supports does not provide domestic services in the person's ordinary course of business;

(C) The family member providing services or supports has no agreement or expectation of consistent and regular payment for any services provided;

(D) The family member providing services or supports is doing so less than fifteen hours a week; or

(E) The family member is providing services or supports that are irregular, uncertain, and incidental in nature and duration or are different in nature from the type of paid work in which the worker is customarily engaged in.

(6) "Employ" includes to permit to work.

(7) "Family member" shall be liberally construed to include, but not be limited to, a parent, child, sibling, aunt, uncle, cousin, grandparent, grandchild, grandniece, or grandnephew, or such relatives when related by marriage or any individual related by blood or affinity whose close association with the individual is the equivalent of a family relationship.

(8) "Hiring entity" means any employer, as defined in RCW 49.46.010(4), and in RCW 49.60.040(11), who employs a domestic worker, as well as any individual, partnership, association, corporation, business trust, or any combination thereof, which pays a wage or pays wages for the services of a domestic worker. It includes any such entity, person, or group of persons that provides compensation directly or indirectly to a domestic worker for the performance of domestic services and any such entity, person, or persons acting directly or indirectly in the interest of the hiring entity in relation to the domestic worker. "Hiring entity" does not include a state agency or home care agency as defined in RCW 70.127.010 and licensed under chapter 70.127 RCW if the home care agency receives funding through RCW 74.39A.310, any adult family home licensed under chapter 70.128 RCW, an assisted living facility licensed under chapter 18.20 RCW, an enhanced services facility licensed under chapter 70.97 RCW, any other long-term care facility licensed by the department of social and health services, or any other person or entity providing services pursuant to chapter 71A.12 RCW.

(9) "Personal care services" are care services as defined in RCW 74.39A.009.

NEW SECTION. Sec. 18. (1) A hiring entity that employs a domestic worker may not:

(a) Request that the domestic worker allow the hiring entity, on either a mandatory or voluntary basis, to have possession of any personal effects, including any legal documents, including forms of identification, passports, or other immigration documents;

(b) Engage in any form of discrimination as defined in section 2(3) of this act or subject a domestic worker to a hostile work environment within the meaning of chapter 49.60 RCW; a domestic

worker shall be entitled to all rights available under chapter 49.60 RCW. It shall not constitute discrimination or harassment only when:

(i) The alleged discrimination is a challenging behavior; or

(ii) A hiring entity who is receiving personal care services, or who has lawful authority or guardianship over a child receiving personal care services, exercises a gender preference in hiring;

(c) Take any adverse action against a domestic worker for their exercise of rights under this chapter, which may include, but is not limited to:

(i) Denying the use of any rights provided under this chapter;

(ii) Denying or delaying payment due under this chapter;

(iii) Terminating, suspending, demoting, or denying a promotion;

(iv) Reducing the number of work hours for which the domestic worker is scheduled;

(v) Altering the domestic worker's preexisting work schedule;

(vi) Reducing the domestic worker's rate of pay; and

(vii) Threatening to take, or taking action, based upon the immigration status of a domestic worker or a domestic worker's family member;

(d) Monitor or record, through any means, the activities of the domestic worker using a bathroom or similar facility, in the domestic worker's private living quarters, or while the domestic worker is engaged in personal activities associated with dressing or changing clothes;

(e) Monitor, record, or interfere with the private communications of a domestic worker;

(f) Communicate to a person exercising rights protected under this chapter, directly or indirectly, the willingness or intent to inform a government employee or contracted organization suspected citizenship or immigration status of a domestic worker or a family member to a federal, state, or local agency because the domestic worker has exercised any right under this chapter;

(g) Require or request any written agreements that:

(i) Waive a domestic worker's rights under federal, state, or local law; or

(ii) Contain noncompete agreements, nondisclosure agreements, nondisparagement agreements that inhibit a domestic worker's claims of their legal rights under this chapter, or noncompete agreements that limit the ability of domestic workers to seek any other form of domestic work postemployment.

(2) It shall be considered a rebuttable presumption of retaliation if the employer or any other person takes an adverse action against a domestic worker within ninety calendar days of the domestic worker's exercise of rights protected under this chapter. However, in the case of seasonal employment that ended before the close of the ninety calendar day period, the presumption also applies if the employer fails to rehire a former domestic worker at the next opportunity for work in the same position. The employer may rebut the presumption with clear and convincing evidence that the adverse action was taken for a permissible purpose.

(3) Where subsection (1)(b)(i) of this section applies, prior to offering the employment to a domestic worker or as soon as the hiring entity learns of the information if the domestic worker is already employed, the hiring entity should, when possible, disclose information about any challenging behaviors and relevant behavioral health needs of the individual being cared for as well as tools and supports that may be available to the domestic worker. If there is an authorized representative for the hiring entity receiving care, or an overlapping employment relationship with the hiring entity receiving care, this information must be disclosed in writing by the authorized representative or the hiring entity not receiving care services. The disclosure should be reviewed regularly and must be updated, as necessary, by the hiring entity when any changes in behavior occur that impact safety or provision of personal care services.

(4) All communication of the information in subsection (3) of this section must be tailored to respect the privacy of the person receiving services from the domestic worker in accordance with the federal health insurance

portability and accountability act of 1996.

(5) The exemptions under this section shall not be construed to relieve a hiring entity of liability under this chapter nor shall a domestic worker's agreement to initiate or continue the employment relationship be construed as consent to workplace violence.

NEW SECTION. Sec. 19. Where more than one hiring entity has an employment relationship with a domestic worker in connection with the same work or where more than one hiring entity has an overlapping employment relationship with a domestic worker, the hiring entities are subject to liability as well as fines and penalties for violations.

NEW SECTION. Sec. 20. Any standards or rights established by any applicable federal, state, or local law or ordinance, or any rule or regulation issued thereunder, which are more favorable to domestic workers than the minimum standards and rights established by this chapter, or any rule or regulation issued hereunder, shall not be affected by this chapter and such other laws, or rules or regulations, shall be in full force and effect and may be enforced as provided by law. The remedies provided by this chapter are not exclusive and are concurrent with any other remedy provided by law.

NEW SECTION. Sec. 21. The attorney general's office shall develop and make available a model disclosure statement which describes a hiring entity's obligations related to a domestic worker's rights under this chapter, in at least eight of the most commonly spoken languages in Washington state. The disclosure statement must include notice about any state law, rule, or regulation applicable to domestic workers and indicate that federal or local ordinances, laws, rules, or regulations may also apply. The model disclosure must also include a telephone number and an address of the department of labor and industries to enable domestic workers to obtain more information about their rights, obligations, and enforcement.

NEW SECTION. Sec. 22. The attorney general's office shall develop and make available a model written employment agreement, which describes actions that are prohibited by a hiring entity and domestic workers' rights under this act

in at least eight of the most commonly spoken languages.

NEW SECTION. Sec. 23. (1) A work group, and accompanying subcommittees as appropriate, on domestic workers administered by the attorney general's office is formed to make recommendations on:

(a) A structure for an ongoing domestic worker standards board, including determining the authority and scope of the board. Such authority and scope shall include, but are not limited to, training on relevant labor laws, benefits, and protections; discrimination and sexual harassment; workplace safety standards; requirements on tax obligations; job skills and accreditation; fair scheduling practices; scope of rights and benefits that may apply to independent contractors; outreach, education, and enforcement practices to ensure compliance with applicable labor standards and to provide effective and updated information to both hiring entities and domestic workers;

(b) Methods to make state industrial insurance available to domestic workers, including recommendations on legislative, regulatory, or other changes that should be made to the way hiring entities or domestic workers engage with the state industrial insurance system;

(c) Methods to increase access for domestic workers to paid sick leave under RCW 49.46.210 and paid family and medical leave under Title 50A RCW;

(d) The role of intermediary nonprofit organizations that assist or refer directly impacted domestic workers in increasing access of domestic workers to industrial insurance and to paid sick leave and paid family and medical leave;

(e) Wage and hour models for domestic work, including but not limited to live-in care providers such as nannies and au pairs, and independent contractors.

(2) The work group shall include at least one representative from each of the following groups that reflects a balance in membership and interests:

(a) Directly impacted domestic workers employed in private homes including one domestic worker providing child care services as a nanny, and one

domestic worker providing another form of domestic service outside of child care;

(b) One current or former au pair;

(c) Unions, work centers, or intermediary nonprofit organizations that assist or refer such directly impacted workers;

(d) Hiring entities who directly employ single domestic workers in private homes;

(e) An organization that educates and organizes household hiring entities;

(f) At least two members of the department of labor and industries with expertise in industrial insurance and wage and hour laws and rules;

(g) One representative from the department of social and health services;

(h) An organization representing the area agencies on aging;

(i) An organization representing retired persons;

(j) An organization representing persons with disabilities;

(k) An organization or agency representing au pairs;

(l) One representative from the governor's office; and

(m) One representative from the attorney general's office.

(3) Representatives shall be appointed by the governor by July 1, 2020.

(4) The work group shall report its findings and recommendations to the governor's office, attorney general's office, and appropriate committees of the legislature by April 1, 2021.

Sec. 24. RCW 49.60.040 and 2018 c 176 s 2 are each amended to read as follows:

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

(1) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur.

(2) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution.

(3) "Commission" means the Washington state human rights commission.

(4) "Complainant" means the person who files a complaint in a real estate transaction.

(5) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b)

ground floor dwelling units in other buildings consisting of four or more dwelling units.

(6) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

(7) (a) "Disability" means the presence of a sensory, mental, or physical impairment that:

(i) Is medically cognizable or diagnosable; or

(ii) Exists as a record or history; or

(iii) Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, (~~genitor-urinary~~) genitourinary, hemic and lymphatic, skin, and endocrine; or

(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome,

emotional or mental illness, and specific learning disabilities.

(d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

(ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

(e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

(8) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons.

(9) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(10) "Employee" does not include any individual employed by his or her parents, spouse, or child(~~(, or in the domestic service of any person)~~).

(11) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons(~~(7)~~) and does not include any religious or sectarian organization not organized for private profit. "Employer" also includes a hiring entity who employs a domestic worker, as defined in section 2 of this act, regardless of the number of employees the hiring entity employs.

(12) "Employment agency" includes any person undertaking with or without

compensation to recruit, procure, refer, or place employees (~~for an employee~~).

(13) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(14) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, to be treated as not welcome, accepted, desired, or solicited.

(15) "Honorably discharged veteran or military status" means a person who is:

(a) A veteran, as defined in RCW 41.04.007; or

(b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

(16) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(17) "Marital status" means the legal status of being married, single, separated, divorced, or widowed.

(18) "National origin" includes "ancestry."

(19) "Person" includes one or more individuals, partnerships, associations,

organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof.

(20) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building.

(21) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services.

(22) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

(23) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction.

(24) "Service animal" means any dog or miniature horse, as discussed in RCW 49.60.214, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or

interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks. This subsection does not apply to RCW 49.60.222 through 49.60.227 with respect to housing accommodations or real estate transactions.

(25) "Sex" means gender.

(26) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

NEW SECTION. **Sec. 25.** This act may be known and cited as the domestic worker protection act.

NEW SECTION. **Sec. 26.** Sections 1 through 8, 10, and 12 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. **Sec. 27.** Sections 1 through 7, 9, and 10 of this act take effect July 1, 2021."

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 49.60.040; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2511 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 5, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2711, with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** (1) The legislature finds that students in foster care, experiencing homelessness, or both, have the lowest high school graduation and postsecondary completion outcomes compared to other student populations. The legislature also finds that these students change schools at significantly higher rates than their general student population peers, and that these changes can disrupt academic progress. The legislature further finds that these students have disproportionate suspension and expulsion rates, and require special education services at much higher rates than other students.

(2) The legislature acknowledges that, as a result, only forty-six percent of Washington students who experienced foster care during high school, and fifty-five percent of students experiencing homelessness, graduated from high school on time in 2018. By comparison, the statewide four-year graduation rate for the class of 2019 was nearly eighty-one percent. Furthermore, students of color are disproportionately represented in the foster care system and in homeless student populations, and their academic outcomes are significantly lower than their white peers. Additionally, students who do not achieve positive education outcomes experience high rates of unemployment, poverty, adult homelessness, and incarceration.

(3) The legislature, therefore, intends to provide the opportunity for an equitable education for students in foster care, experiencing homelessness, or both. In accomplishing this goal, the legislature intends to achieve parity in education outcomes for these students, both in comparison to their general student population peers and throughout the education continuum of prekindergarten to postsecondary education.

(4) In 2018 the legislature directed the department of children, youth, and families and other entities in chapter 299, Laws of 2018, to convene a work group focused on students in foster care and students experiencing homelessness. The legislature resolves to continue this work group to improve education outcomes for these students.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction, in collaboration with the department of children, youth, and families, the office of homeless youth prevention and protection programs of the department of commerce, and the student achievement council, shall convene the project education impact work group to address the needs of students in foster care, experiencing homelessness, or both. The work group must include representatives of nongovernmental agencies and representation from the educational opportunity gap oversight and accountability committee. The work group must also include four legislative members appointed as follows:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(2) The work group must focus its efforts on students in foster care, experiencing homelessness, or both, and must develop and implement a plan that will accomplish the following by 2027:

(a) Enable the students to achieve parity in education outcomes with their general student population peers; and

(b) Eliminate racial and ethnic disparities for the education outcomes of the students in comparison to their general student population peers.

(3)(a) The work group shall review the education outcomes of students in foster care, experiencing homelessness, or both, by examining data, disaggregated by race and ethnicity, on:

(i) Kindergarten readiness, early grade reading and math, eighth and ninth grade students on track to graduate, high school completion, postsecondary enrollment, and postsecondary completion; and

(ii) School attendance, school mobility, special education status, and school discipline.

(b) To enable the review required by this subsection (3), the office of the superintendent of public instruction, the department of children, youth, and families, the student achievement council, and the office of homeless youth prevention and protection programs of the department of commerce shall provide

updated education data and other necessary data to the education data center established under RCW 43.41.400.

(c) The education data center must provide an updated report to the work group on these education outcomes by March 31, 2021, and annually thereafter. If state funds are not made available to complete the reports required by this subsection (3)(c), the work group may pursue supplemental private funding to ensure the completion of the reports.

(4) The work group shall also:

(a) Evaluate the outcomes, needs, and service array for students in foster care, experiencing homelessness, or both, and the specific needs of students of color and those with special education needs;

(b) Engage stakeholders, including students in foster care, experiencing homelessness, or both, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary institutions, and federally recognized tribes, to provide input on the development of recommendations; and

(c)(i) Submit annual reports to the governor, the appropriate committees of the legislature, and the educational opportunity gap oversight and accountability committee by October 31st of each year regarding the progress the state has made toward achieving education parity for students in foster care, experiencing homelessness, or both.

(ii) The reports required by this subsection (4)(c) must:

(A) Describe the progress made toward achieving the following goals for students in foster care, experiencing homelessness, or both:

(I) Parity in kindergarten readiness rates;

(II) Parity in high school graduation rates;

(III) Parity in postsecondary education and state-approved apprenticeship enrollment; and

(IV) Parity in postsecondary education and state-approved apprenticeship completion;

(B) Include updates on agency and nongovernmental agency actions toward

achieving the goals specified in this section, and the effectiveness of support services for students in foster care, experiencing homelessness, or both;

(C) Include recommendations to further align and improve policy, programs, agency practice, and supports for students, and provide for shared and sustainable accountability to reach the goal of educational parity, including recommendations to:

(I) Address systems barriers and improve educational stability;

(II) Enforce existing state law requiring that education records, documentation of educational needs, individualized education programs, credits, and other records follow students when they transition between districts or to another education program or facility;

(III) Improve racial equity in education outcomes; and

(IV) Ensure appropriate work group access to consistent and accurate annual education outcomes data;

(D) Identify recommendations that can be implemented using existing resources, rules, and regulations and those that require policy, administrative, and resource allocation changes; and

(E) Identify the progress made toward meaningful engagement of stakeholders in informing recommendations.

(5) Nothing in this section permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential information received by the work group retains its confidentiality and may not be further disseminated except as permitted by federal and state law.

(6) For the purposes of this section, "students in foster care, experiencing homelessness, or both" includes students who are in foster care or experiencing homelessness, and students who have been homeless or in foster care, or both, within five years of when the plan described in this section is applied.

(7) This section expires July 1, 2028.

Sec. 3. RCW 74.13.1051 and 2017 3rd sp.s. c 6 s 405 are each amended to read as follows:

(1) In order to proactively support foster youth to complete high school, enroll and complete postsecondary education, and successfully implement their own plans for their futures, the department, the student achievement council, and the office of the superintendent of public instruction shall enter into, or revise existing, memoranda of understanding that:

(a) Facilitate student referral, data and information exchange, agency roles and responsibilities, and cooperation and collaboration among state agencies and nongovernmental entities; and

(b) Effectuate the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 in a smooth, expedient, and coordinated fashion.

(2) The student achievement council and the office of the superintendent of public instruction shall establish a set of indicators relating to the outcomes provided in RCW 28A.300.590 and 28A.300.592 to provide consistent services for youth, facilitate transitions among contractors, and support outcome-driven contracts. The student achievement council and the superintendent of public instruction shall collaborate with nongovernmental contractors and the department to develop a list of the most critical indicators, establishing a common set of indicators to be used in the outcome-driven contracts in RCW 28A.300.590 and 28A.300.592. ~~((A list of these indicators must be included in the report provided in subsection (3) of this section.~~

~~(3) By November 1, 2017, and biannually thereafter, the department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships shall submit a joint report to the governor and the appropriate education and human services committees of the legislature regarding each of these programs, individually, as~~

~~well as the collective progress the state has made toward the following goals:~~

~~(a) To make Washington number one in the nation for foster care graduation rates;~~

~~(b) To make Washington number one in the nation for foster care enrollment in postsecondary education; and~~

~~(c) To make Washington number one in the nation for foster care postsecondary completion.~~

~~(4) The department, the student achievement council, and the office of the superintendent of public instruction, in consultation with the nongovernmental entities engaged in public-private partnerships, shall also submit one report by November 1, 2018, to the governor and the appropriate education and human service committees of the legislature regarding the transfer of responsibilities from the department to the office of the superintendent of public instruction with respect to the programs in RCW 28A.300.592, and from the department to the student achievement council with respect to the program in RCW 28B.77.250 and whether these transfers have resulted in better coordinated services for youth.)~~

NEW SECTION. **Sec. 4.** RCW 28A.300.8001 (Plan for cross-system collaboration to promote educational stability and improve educational outcomes for foster children-Reports) and 2012 c 163 s 10 are each repealed."

On page 1, line 3 of the title, after "education;" strike the remainder of the title and insert "amending RCW 74.13.1051; adding a new section to chapter 28A.300 RCW; creating a new section; repealing RCW 28A.300.8001; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2711 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate refuses to concur in the House amendment to SECOND SUBSTITUTE SENATE BILL NO. 6281 and asks the House to recede therefrom, and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to SECOND SUBSTITUTE SENATE BILL NO. 6281 and asked the Senate for a conference thereon. The Speaker (Representative Lovick presiding) appointed Representatives Dufault, Hansen and Hudgins as conferees.

MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate insists on its position in the House amendment to SENATE BILL NO. 6168 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Rolfes, Froct, and Braun.

Sarah Bannister, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House granted the Senate's request for a Conference on SENATE BILL NO. 6168. The Speaker appointed the following members as Conferees: Representatives Ormsby, Robinson and Stokesbary.

The Speaker (Representative Lovick presiding) called upon Representative Pettegrew to preside.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5006
SENATE BILL NO. 5197
ENGROSSED SENATE BILL NO. 5450
ENGROSSED SENATE BILL NO. 5457
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5481
SENATE BILL NO. 5519
SECOND SUBSTITUTE SENATE BILL NO. 5572
SUBSTITUTE SENATE BILL NO. 5900
SUBSTITUTE SENATE BILL NO. 5976
ENGROSSED SENATE BILL NO. 6032
SENATE BILL NO. 6045
SUBSTITUTE SENATE BILL NO. 6058
SENATE BILL NO. 6066
SUBSTITUTE SENATE BILL NO. 6072

SUBSTITUTE SENATE BILL NO. 6074
 SENATE BILL NO. 6078
 SUBSTITUTE SENATE BILL NO. 6084
 SUBSTITUTE SENATE BILL NO. 6086
 SUBSTITUTE SENATE BILL NO. 6091
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6095
 SENATE BILL NO. 6102
 SENATE BILL NO. 6103
 SENATE BILL NO. 6119
 SENATE BILL NO. 6120
 SENATE BILL NO. 6123
 SUBSTITUTE SENATE BILL NO. 6135
 SUBSTITUTE SENATE BILL NO. 6142
 SENATE BILL NO. 6143
 SECOND SUBSTITUTE SENATE BILL NO. 6181
 SENATE BILL NO. 6187
 SUBSTITUTE SENATE BILL NO. 6206
 SENATE BILL NO. 6212
 SENATE BILL NO. 6236
 SUBSTITUTE SENATE BILL NO. 6256
 SUBSTITUTE SENATE BILL NO. 6257
 SUBSTITUTE SENATE BILL NO. 6306
 SUBSTITUTE SENATE BILL NO. 6319
 SENATE BILL NO. 6357
 SENATE BILL NO. 6383
 SUBSTITUTE SENATE BILL NO. 6392
 SUBSTITUTE SENATE BILL NO. 6415
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6419
 SENATE BILL NO. 6423
 SENATE BILL NO. 6430
 SUBSTITUTE SENATE BILL NO. 6476
 SUBSTITUTE SENATE BILL NO. 6499
 SUBSTITUTE SENATE BILL NO. 6521
 SECOND SUBSTITUTE SENATE BILL NO. 6528
 ENGROSSED SUBSTITUTE SENATE BILL NO.
 6540
 SENATE BILL NO. 6567
 SUBSTITUTE SENATE JOINT MEMORIAL NO.
 8017
 ENGROSSED SENATE JOINT RESOLUTION NO.
 8212

MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate insists on its position on ENGROSSED HOUSE BILL NO. 1390 and asks the House to concur.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1390 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL

AS SENATE AMENDED

Representatives Leavitt and MacEwen spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1390, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1390, as amended by the Senate, and the bill passed the House by the following vote: Yeas: 94 Nays: 3 Absent: 0 Excused: 1

Voting Yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, Jinkins, Johnson, J., Kilduff, Kirby, Klippert, Kloba, Kraft, Leavitt, Lekanoff, Lovick, MacEwen, Macri, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, and Young

Voting Nay: Representatives Irwin, Kretz, and Maycumber

Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 1390, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that commercial sexual exploitation of children is a severe form of human trafficking and a severe human rights and public health issue, leaving children at substantial risk of physical harm, substantial physical and emotional pain, and trauma. This trauma has a long-term impact on the social, emotional, and economic future of these children. The state shall provide a victim-centered, trauma-informed response to children who are exploited in this manner rather than

treating them as criminals. The state shall also hold accountable the buyers and traffickers who exploit children.

NEW SECTION. Sec. 2. A new section is added to chapter 7.68 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of children, youth, and families shall administer funding for two receiving center programs for commercially sexually exploited children. One of these programs must be located west of the crest of the Cascade mountains and one of these programs must be located east of the crest of the Cascade mountains. Law enforcement and service providers may refer children to these programs or children may self-refer into these programs.

(2) The receiving center programs established under this section shall:

(a) Begin providing services by January 1, 2021;

(b) Utilize existing facilities and not require the construction of new facilities; and

(c) Provide ongoing case management for all children who are being served or were served by the programs.

(3) The receiving centers established under this section shall:

(a) Include a short-term evaluation function that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children ages twelve through seventeen and either meet those immediate needs or refer those children to the appropriate services;

(b) Assess children for mental health and substance use disorder needs and provide appropriate referrals as needed; and

(c) Provide individual and group counseling focused on developing and strengthening coping skills, and improving self-esteem and dignity.

(4) The department of children, youth, and families shall:

(a) Collect nonidentifiable demographic data of the children served by the programs established under this section;

(b) Collect data regarding the locations that children exit to after being served by the programs; and

(c) Report the data described in this subsection along with recommendations for modification or expansion of these programs to the relevant committees of the legislature by December 1, 2022.

(5) For the purposes of this section, the following definitions apply:

(a) "Receiving center" means a trauma-informed, secure location that meets the multidisciplinary needs of commercially sexually exploited children ages twelve through seventeen located in a behavioral health agency licensed or certified under RCW 71.24.037 to provide inpatient or residential treatment services; and

(b) "Short-term evaluation function" means a short-term emergency shelter that is accessible twenty-four hours per day seven days per week that has the capacity to evaluate the immediate needs of commercially sexually exploited children under age eighteen and either meet those immediate needs or refer those children to the appropriate services.

(6) (a) The department of children, youth, and families, the department of health, and the division of behavioral health and recovery, shall meet to coordinate the implementation of receiving centers as provided for in this section, including developing eligibility criteria for serving commercially sexually exploited children that allows referral from service providers and prioritizes referral from law enforcement.

(b) By December 1, 2020, and in compliance with RCW 43.01.036, the department of children, youth, and families shall submit a report to the governor and legislature summarizing the implementation plan and eligibility criteria as described in (a) of this subsection, and provide any additional policy recommendations regarding receiving centers as it deems necessary.

NEW SECTION. Sec. 3. A new section is added to chapter 7.68 RCW to read as follows:

(1) The following individuals or entities may refer a child to receiving centers as defined in section 2 of this act:

(a) Law enforcement, who shall:

(i) Transport a child eligible for receiving center services to a receiving center; or

(ii) Coordinate transportation with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider;

(b) The department of children, youth, and families;

(c) Juvenile courts;

(d) Community service providers;

(e) A parent or guardian; and

(f) A child may self-refer.

(2) Eligibility for placement in a receiving center is children ages twelve through seventeen, of all genders, who have been, or are at risk for being commercially sexually exploited.

Sec. 4. RCW 9A.88.030 and 1988 c 145 s 16 are each amended to read as follows:

(1) A person age eighteen or older is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) For purposes of this section, "sexual conduct" means "sexual intercourse" or "sexual contact," both as defined in chapter 9A.44 RCW.

(3) Prostitution is a misdemeanor.

Sec. 5. RCW 13.40.070 and 2019 c 128 s 8 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsection (1)(a) and (b) of this section are met,

the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (8) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) The prosecutor shall file an information with the juvenile court if (a) an alleged offender is accused of an offense that is defined as a sex offense or violent offense under RCW 9.94A.030, other than assault in the second degree or robbery in the second degree; or (b) an alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that may be filed under subsections (5) and (8) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient to charge an alleged offender with:

(a) (~~Either prostitution or prostitution~~) Prostitution loitering and the alleged offense is the offender's first (~~(prostitution or)~~) prostitution loitering offense, the prosecutor shall divert the case;

(b) Voyeurism in the second degree, the offender is under seventeen years of age, and the alleged offense is the offender's first voyeurism in the second degree offense, the prosecutor shall divert the case, unless the offender has received two diversions for any offense in the previous two years;

(c) Minor selling depictions of himself or herself engaged in sexually explicit conduct under RCW 9.68A.053(5) and the alleged offense is the offender's first violation of RCW 9.68A.053(5), the prosecutor shall divert the case; or

(d) A distribution, transfer, dissemination, or exchange of sexually explicit images of other minors thirteen years of age or older offense as provided in RCW 9.68A.053(1) and the alleged offense is the offender's first violation of RCW 9.68A.053(1), the prosecutor shall divert the case.

(8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor may be guided by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(9) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(10) The responsibilities of the prosecutor under subsections (1) through (9) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(11) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to community-based programs, restorative justice programs, mediation, or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

(12) Prosecutors and juvenile courts are encouraged to engage with and partner with community-based programs to expand, improve, and increase options to divert youth from formal processing in juvenile court. Nothing in this chapter should be read to limit partnership with community-based programs to create diversion opportunities for juveniles.

Sec. 6. RCW 13.40.213 and 2010 c 289 s 8 are each amended to read as follows:

(1) When a juvenile is alleged to have committed ~~((the offenses of prostitution or))~~ a prostitution loitering offense, and the allegation, if proved, would not be the juvenile's first offense, a prosecutor may divert the offense if the county in which the offense is alleged to have been committed has a comprehensive program that provides:

- (a) Safe and stable housing;
- (b) Comprehensive on-site case management;
- (c) Integrated mental health and chemical dependency services, including specialized trauma recovery services;
- (d) Education and employment training delivered on-site; and
- (e) Referrals to off-site specialized services, as appropriate.

(2) A prosecutor may divert a case for ~~((prostitution or))~~ prostitution loitering into the comprehensive program described in this section, notwithstanding the filing criteria set forth in RCW 13.40.070(5).

(3) A diversion agreement under this section may extend to twelve months.

(4)(a) The administrative office of the courts shall compile data regarding:

(i) The number of juveniles whose cases are diverted into the comprehensive program described in this section;

(ii) Whether the juveniles complete their diversion agreements under this section; and

(iii) Whether juveniles whose cases have been diverted under this section have been subsequently arrested or committed subsequent offenses.

(b) An annual report of the data compiled shall be provided to the governor and the appropriate committee of

the legislature. (~~The first report is due by November 1, 2010.~~)

Sec. 7. RCW 7.68.801 and 2018 c 58 s 65 are each amended to read as follows:

(1) The commercially sexually exploited children statewide coordinating committee is established to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices.

(2) The committee is convened by the office of the attorney general with the department of commerce assisting with agenda planning and administrative and clerical support. The committee consists of the following members:

(a) One member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house;

(b) One member from each of the two largest caucuses of the senate appointed by the (~~speaker~~) president of the senate;

(c) A representative of the governor's office appointed by the governor;

(d) The secretary of the department of children, youth, and families or his or her designee;

(e) The secretary of the juvenile rehabilitation administration or his or her designee;

(f) The attorney general or his or her designee;

(g) The superintendent of public instruction or his or her designee;

(h) A representative of the administrative office of the courts appointed by the administrative office of the courts;

(i) The executive director of the Washington association of sheriffs and police chiefs or his or her designee;

(j) The executive director of the Washington state criminal justice training commission or his or her designee;

(k) A representative of the Washington association of prosecuting attorneys appointed by the association;

(l) The executive director of the office of public defense or his or her designee;

(m) Three representatives of community service providers that provide direct services to commercially sexually exploited children appointed by the attorney general;

(n) Two representatives of nongovernmental organizations familiar with the issues affecting commercially sexually exploited children appointed by the attorney general;

(o) The president of the superior court judges' association or his or her designee;

(p) The president of the juvenile court administrators or his or her designee;

(q) Any existing chairs of regional task forces on commercially sexually exploited children;

(r) A representative from the criminal defense bar;

(s) A representative of the center for children and youth justice;

(t) A representative from the office of crime victims advocacy;

(u) The executive director of the Washington coalition of sexual assault programs;

(v) The executive director of the statewide organization representing children's advocacy centers or his or her designee;

(~~w~~) A representative of an organization that provides inpatient chemical dependency treatment to youth, appointed by the attorney general;

(~~w~~) (x) A representative of an organization that provides mental health treatment to youth, appointed by the attorney general; and

(~~x~~) (y) A survivor of human trafficking, appointed by the attorney general.

(3) The duties of the committee include, but are not limited to:

(a) Overseeing and reviewing the implementation of the Washington state model protocol for commercially sexually exploited children at task force sites;

(b) Receiving reports and data from local and regional entities regarding the

incidence of commercially sexually exploited children in their areas as well as data information regarding perpetrators, geographic data and location trends, and any other data deemed relevant;

(c) Receiving reports on local coordinated community response practices and results of the community responses;

(d) Reviewing recommendations from local and regional entities regarding policy and legislative changes that would improve the efficiency and effectiveness of local response practices;

(e) Making recommendations regarding policy and legislative changes that would improve the effectiveness of the state's response to and promote best practices for suppression of the commercial sexual exploitation of children;

(f) Making recommendations regarding data collection useful to understanding or addressing the problem of commercially sexually exploited children;

(g) Reviewing and making recommendations regarding strategic local investments or opportunities for federal and state funding to address the commercial sexual exploitation of children;

(h) Reviewing the extent to which chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) is understood and applied by enforcement authorities; ~~((and))~~

(i) Researching any barriers that exist to full implementation of chapter 289, Laws of 2010 (Engrossed Substitute Senate Bill No. 6476) throughout the state;

(j) Convening a meeting and providing recommendations required under section 11 of this act; and

(k) Compiling data on the number of juveniles believed to be victims of sexual exploitation taken into custody under RCW 43.185C.260.

(4) The committee must meet no less than annually.

(5) The committee shall annually report its findings and recommendations to the appropriate committees of the legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

(6) This section expires June 30, 2023.

Sec. 8. RCW 43.185C.260 and 2019 c 312 s 15 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement.

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of children, youth, and families with a copy of the officer's report if the youth is in the care of or receiving services from the department of children, youth, and families.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from

home because he or she is abused or neglected, a report shall be made immediately to the department of children, youth, and families.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 43.185C.265.

(7) If a law enforcement officer takes a juvenile into custody pursuant to subsection (1)(b) of this section and reasonably believes that the juvenile may be the victim of sexual exploitation, the officer shall:

(a) Transport the child to:

(i) An evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment; or

(ii) Another appropriate youth-serving entity or organization including, but not limited to:

(A) A HOPE Center as defined under RCW 43.185C.010;

(B) A foster-family home as defined under RCW 74.15.020;

(C) A crisis residential center as defined under RCW 43.185C.010; or

(D) A community-based program that has expertise working with adolescents in crisis; or

(b) Coordinate transportation to one of the locations identified in (a) of this subsection, with a liaison dedicated to serving commercially sexually exploited children established under RCW 74.14B.070 or a community service provider.

(8) Law enforcement shall have the authority to take into protective custody a child who is or is attempting to engage

in sexual conduct with another person for money or anything of value for purposes of investigating the individual or individuals who may be exploiting the child and deliver the child to an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act, for purposes of evaluation for behavioral health treatment authorized under chapter 71.34 RCW, including adolescent-initiated treatment, family-initiated treatment, or involuntary treatment.

(9) No child may be placed in a secure facility except as provided in this chapter.

Sec. 9. RCW 74.14B.070 and 2017 3rd sp.s. c 6 s 508 are each amended to read as follows:

(1) The department shall, subject to available funds, establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse. The system shall include schools, physicians, sexual assault centers, domestic violence centers, child protective services, and foster parents. A mechanism shall be developed to identify communities that have experienced success in this area and share their expertise and methodology with other communities statewide.

(2) The department shall provide services to support children it suspects have been commercially sexually exploited. The child may decide whether to voluntarily engage in the services offered by the department.

(a) To provide services supporting children it suspects have been commercially sexually exploited, the department may provide:

(i) At least one liaison position in each region of the department where receiving center programs are established under section 2 of this act who are dedicated to serving commercially sexually exploited children and who report directly to the statewide program manager under (a)(ii) of this subsection;

(ii) One statewide program manager;

(iii) A designated person responsible for supporting commercially sexually exploited children, who may be assigned other duties in addition to this responsibility, in regions of the department where there is not a dedicated

liaison position as identified under (a)(i) of this subsection; and

(iv) Coordinate appropriate, available, community-based services for children following discharge from an evaluation and treatment facility as defined in RCW 71.34.020, including the receiving centers established in section 2 of this act.

(b) The department shall collect nonidentifiable data regarding the number of commercially sexually exploited children, including reports of commercially sexually exploited children received from law enforcement under chapter 26.44 RCW.

(3) The department shall provide an annual report to the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801 by December 1st that includes:

(a) A description of services provided by the department to commercially sexually exploited children; and

(b) Nonidentifiable data regarding the number of commercially sexually exploited children.

(4) The department may solicit and accept gifts, grants, conveyances, bequests, and devices for supporting the purposes of this section.

(5) Nothing in this section shall be construed to create a private right of action against the department for failure to identify, offer, or provide services.

(6) The department shall convene a work group to study, analyze, and issue recommendations regarding how decriminalizing prostitution and prostitution loitering for persons under eighteen will impact law enforcement and prosecutor efforts and ability to discover and access the victim's cell phone records to aid in prosecution of the perpetrator or abuser. The work group must issue recommendations to appropriate committees of the legislature by October 31, 2021.

Sec. 10. RCW 74.15.020 and 2019 c 172 s 10 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on

a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high-quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a) (i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi) registers with the secretary of state as provided in RCW 24.03.550. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not

receive any local, state, or government funding;

(p) Receiving centers as defined in section 2 of this act.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "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 may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 11. A new section is added to chapter 7.68 RCW to read as follows:

(1) By September 1, 2020, the statewide coordinating committee shall convene a meeting related to the role that child advocacy centers have in responding to and supporting commercially sexually exploited children.

(a) The meeting required under this subsection must include representatives from child advocacy centers.

(b) By October 1, 2020, the department must provide a report to the statewide coordinating committee that includes:

(i) An inventory of the number and location of child advocacy centers in the state; and

(ii) A description of the services provided by each of the child advocacy centers in the state.

(2) By December 1, 2020, and in compliance with RCW 43.01.036, the statewide coordinating committee must provide a report to the relevant committees of the legislature that includes:

(a) An inventory of the number and location of child advocacy centers in the state;

(b) A description of the services provided by each of the child advocacy centers in the state;

(c) Recommendations for expanded use of child advocacy centers in providing

additional services for commercially sexually exploited children; and

(d) Recommendations for ensuring that child advocacy centers connect commercially sexually exploited children with available services in the community.

(3) For purposes of this section:

(a) "Child advocacy center" has the same meaning as the definition provided under RCW 26.44.020.

(b) "Department" means the department of commerce.

(c) "Statewide coordinating committee" means the commercially sexually exploited children statewide coordinating committee established under RCW 7.68.801.

(4) This section expires June 30, 2021.

NEW SECTION. Sec. 12. Sections 4, 5, and 6 of this act take effect January 1, 2024."

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 9A.88.030, 13.40.070, 13.40.213, 7.68.801, 43.185C.260, 74.14B.070, and 74.15.020; adding new sections to chapter 7.68 RCW; creating a new section; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Dent spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1775, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1775, as

amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1775, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1841 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that adequate personnel are critical to ensuring railroad operational safety, security, and in the event of a hazardous material incident, support of first responder activities, as well as in the interest of the safety of passengers and the general public. Therefore, the legislature declares that this act regulating minimum railroad employee staffing to reduce risk to localities constitutes an exercise of the state's police power to protect and promote the health, safety, security, and welfare of the residents of the state by reducing the risk exposure to local communities and protecting environmentally sensitive and/or pristine lands and waterways.

NEW SECTION. Sec. 2. A new section is added to chapter 81.40 RCW to read as follows:

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

(1) "Class I" means a railroad carrier designated as a class I railroad by the United States surface transportation board and its subsidiaries or is owned and operated by entities whose combined total railroad operational ownership and controlling interest meets the United States surface transportation board designation as a class I railroad carrier.

(2) "Class III" means a railroad carrier designated as a class III railroad by the United States surface transportation board.

(3) "Commission" means the utilities and transportation commission created in chapter 80.01 RCW.

(4) "Crewmember" means a railroad operating craft employee who has been trained and meets the requirements and qualifications as determined by the federal railroad administration for a railroad operating service employee.

(5) "Other railroad carrier" means a railroad carrier that is not a class I carrier.

(6) "Railroad carrier" means a carrier of persons or property upon vehicles, other than streetcars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns. "Railroad carrier" includes any officers and agents of the railroad carrier.

NEW SECTION. Sec. 3. A new section is added to chapter 81.40 RCW to read as follows:

(1) Except as provided in section 4 of this act, any person, corporation, company, or officer of the court operating any railroad, railway, or any part of any railroad or railway, in the state of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, shall operate and manage all trains and switching assignments over its road with crews consisting of no less than two crewmembers.

(2) Class III railroad carriers operating on their roads while at a speed of twenty-five miles per hour or less are exempt from subsection (1) of this section.

NEW SECTION. Sec. 4. A new section is added to chapter 81.40 RCW to read as follows:

(1) On the effective date of this section, automatic waivers to the train crew size requirement in section 3 of this act shall be granted to other railroad carriers.

(2) Such automatic waivers will remain in effect until ordered by the commission.

(3) The commission must act to ensure that railroad carriers supplement trains entering Washington state with the requisite number of train crewmembers pursuant to this act, at the closest regular station stop or crew change point located in proximity to and adjacent with either side of the state border, having been established and in use by the carrier on January 1, 2020.

(4)(a) The commission may order railroad carriers to increase the number of railroad employees in areas of increased risk to the public, passengers, railroad employees, or the environment, or on specific trains, routes, or to switch assignments on their road with additional numbers of crewmembers, and may direct the placement of additional crewmembers, if it is determined that such an increase in staffing or the placement of additional crewmembers is necessary to protect the safety, health, and welfare of the public, passengers, or railroad employees, to prevent harm to the environment or to address site specific safety or security hazards.

(b) In issuing such an order, the commission may consider relevant factors including, but not limited to, the volatility of the commodities being transported, train volume, risk mitigation measures, environmental and operating factors that impact vulnerabilities, risk exposure to passengers, the general public, railroad employees, communities, or the environment along the train route, security risks including sabotage or terrorism threat levels, a railroad carrier's prior history of accidents, compliance violations, operating practices, infrastructure investments including track and equipment maintenance issues or lack thereof, employee training and support programs, first responder access, and any other relevant factors in the interest of safety.

NEW SECTION. Sec. 5. A new section is added to chapter 81.40 RCW to read as follows:

(1) Pursuant to the enforcement of the provisions of this act, the highest priority and paramount obligation of the commission must be its duty to ensure the safety and protection of the public, passengers, railroad employees, communities, environment, and areas of cultural significance in the furtherance of the highest degree of safety in railroad transportation.

(2) Each train or engine run in violation of section 3 of this act constitutes a separate offense. However, section 3 of this act does not apply in the case of disability of one or more members of any train crew while out on the road between division terminals, or assigned to wrecking trains.

(3) Any person, corporation, company, or officer of the court operating any railroad, or part of any railroad or railway within the state of Washington, and engaged as a common carrier, in the transportation of freight or passengers, who violates any of the provisions of section 3 of this act may be subject to fines of not less than one thousand dollars and not more than one hundred thousand dollars for each offense, as determined by the commission through order.

(4) The commission may impose fines exceeding the provisions in subsection (3) of this section when a serious injury or fatality occurs involving a carrier's violation of this act. All relevant factors may be considered including, but not limited to, the class, assets, profitability, and operational safety record of the carrier, as well as deterrence in ascertaining an appropriate punitive penalty, as determined by the commission through order.

(5) It is the duty of the commission to enforce this section.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) RCW 81.40.010 (Full train crews—Passenger—Safety review—Penalty—Enforcement) and 2003 c 53 s 386, 1992 c 102 s 1, & 1961 c 14 s 81.40.010; and

(2) RCW 81.40.035 (Freight train crews) and 1967 c 2 s 2.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person, entity, 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. 8. 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."

On page 1, line 2 of the title, after "trains;" strike the remainder of the title and insert "adding new sections to chapter 81.40 RCW; creating a new section; repealing RCW 81.40.010 and 81.40.035; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1841 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Riccelli and Mosbrucker spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1841, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1841, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chandler, Chopp, Cody, Corry, Davis, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Volz, Walen, Walsh, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Caldier, Chambers, Chapman, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Graham, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Orcutt, Schmick, Shea, Springer, Steele, Stokesbary, Sutherland, Van Werven, Vick, Wilcox, Ybarra and Young.

Excused: Representative Paul.

HOUSE BILL NO. 1841, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

MESSAGE FROM THE SENATE

March 7, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1948 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that changes in sales tax sourcing laws created a significant negative fiscal impact on communities with a concentration of warehousing, manufacturing, and shipping. These communities are vital job centers to our state economy. Furthermore, the infrastructure demands to support these industries are significant. The legislature hereby creates the warehousing and manufacturing job center assistance program to provide these communities with revenue to mitigate for the negative fiscal impact of changes in sales tax sourcing laws, and fund important infrastructure to maintain these key job centers.

NEW SECTION. Sec. 2. A new section is added to chapter 82.14 RCW to read as follows:

(1) In order to mitigate local sales tax revenue net losses as a result of the sourcing provisions of the streamlined sales and use tax agreement under this title, the state treasurer, on July 1, 2020, and each July 1st thereafter through July 1, 2026, must transfer into the manufacturing and warehousing job centers account from the general fund the sum required to mitigate actual net losses as determined under this section.

(2) The department must determine each qualified local taxing jurisdiction's annual loss. The department must determine annual losses by comparing at least twelve months of data from tax return information and tax collections for each qualified local taxing jurisdiction before and after July 1, 2008. The department is not required to determine annual losses on a recurring

basis, but may make any adjustments to annual losses as it deems proper as a result of the annual reviews. Each calendar quarter, distributions must be made from the manufacturing and warehousing job centers account by the state treasurer on the last working day of the calendar quarter, as directed by the department, to each qualified local taxing jurisdiction, for losses in respect to taxes imposed under the authority of RCW 82.14.390, in an amount representing one-fourth of the jurisdiction's annual loss reduced by voluntary compliance revenue reported during the previous calendar quarter and marketplace facilitator/remote seller revenue reported during the previous calendar quarter.

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

(a) "Loss" or "losses" means the local sales and use tax revenue reduction to a local taxing jurisdiction resulting from the sourcing provisions in RCW 82.14.490 and section 502, chapter 6, Laws of 2007.

(b) "Marketplace facilitator/remote seller revenue" means the local sales and use tax revenue gain, including taxes voluntarily remitted and taxes collected from consumers, to each local taxing jurisdiction from part II of chapter 28, Laws of 2017 3rd sp. sess. as estimated by the department in RCW 82.14.500(6).

(c) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue and marketplace facilitator/remote seller revenue.

(d) "Qualified local taxing district" means a city:

(i) That was eligible for streamlined sales tax mitigation payments of at least one hundred fifty thousand dollars under RCW 82.14.500 in calendar year 2018, based on the calculation and analysis required under RCW 82.14.500(3)(a); and

(ii) That has a continued local sales tax revenue loss as a result of the sourcing provision of the streamlined sales and use tax agreement under this title, as determined by the department.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each local taxing jurisdiction reported to the department from persons

registering through the central registration system authorized under the agreement.

(4) This section expires January 1, 2026.

NEW SECTION. Sec. 3. A new section is added to chapter 82.14 RCW to read as follows:

The manufacturing and warehousing job centers account is created in the state treasury. All receipts from section 2 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purpose of mitigating the negative fiscal impacts to local taxing jurisdictions as a result of RCW 82.14.490 and section 502, chapter 6, Laws of 2007."

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "adding new sections to chapter 82.14 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1948 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Sullivan spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1948, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1948, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon,

Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Boehnke, Corry, DeBolt, Dent, Dufault, Goehner, Hoff, Jenkin, Kraft, McCaslin, Orcutt, Shea, Walsh and Ybarra.

Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 1948, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2458 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.400.280 and 2018 c 260 s 29 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under contracts with employees or benefit providers in effect on April 13, 1990, until the contract expires.

(2) (a) School districts may provide employer contributions after October 1, 1990, for optional benefit plans, in addition to basic benefits. Beginning January 1, 2020, school district optional benefits must ((be outside)) not compete with any form of the basic or optional benefits offered in the school employees' benefits board program either under the school employees' benefits board's authority in RCW 41.05.740((+6)) or offered under the authority of the health care authority in the salary reduction plan authorized in RCW 41.05.300 and 41.05.310.

(b) Beginning December 1, 2019, and each December 1st thereafter, school district optional benefits must be reported to the school employees'

benefits board and health care authority. ~~((The school employees' benefits board shall review the optional benefits offered by districts and: (a) Determine if the optional benefits conflict with school employees' benefits board's plans offering authority and, if not, (b) evaluate whether to seek additional benefit offerings authority from the legislature. Optional benefits may include direct agreements as defined in chapter 48.150 RCW, and may include employee))~~

(c) School districts, and the applicable carrier, must work with the health care authority to either modify and remove competing components of the district-based benefit or end any district-based benefit offering in competition with either the health care authority's or the school employees' benefits board offered benefits.

(d) Unless the school employees' benefits board offers such benefits, school districts may offer only the following optional benefits to school employees:

(i) Benefits listed in section 3(1) (a) through (i) of this act, offered as employee-paid, voluntary benefits that may be administered by using payroll deductions; and

(ii) Voluntary employees' beneficiary association accounts (~~that can be liquidated by the employee on termination of employment~~), including benefit plans authorized in RCW 28A.400.210(3).

~~((Optional benefit plans may be offered only if:~~

~~(a) Each full-time employee, regardless of the number of dependents receiving basic coverage, receives the same additional employer contribution for other coverage or optional benefits; and~~

~~(b) For part-time employees, participation in optional benefit plans shall be governed by the same eligibility criteria and/or proration of employer contributions used for allocations for basic benefits-))~~

(3) School districts are not intended to divert state basic benefit allocations for other purposes. Beginning January 1, 2020, school districts must offer all benefits offered by the school employees' benefits board administered by the health

care authority, and consistent with RCW 41.56.500(2).

(4) Any optional benefits offered by a school district under subsection (2) of this section are considered an enhancement to the state's definition of basic education.

Sec. 2. RCW 28A.400.350 and 2019 c 411 s 6 are each amended to read as follows:

(1) The board of directors of any of the state's school districts or educational service districts may make available medical, dental, vision, liability, life, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Except as provided in subsection (6) of this section, such coverage may be provided by contracts or agreements with private carriers, with the state health care authority, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2) (a) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

(b) After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(c) After December 31, 2019, school district contributions to any employee insurance that is purchased through the health care authority must conform to the requirements established by chapter 41.05 RCW and the school employees' benefits board.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5)(a) Until the creation of the school employees' benefits board under RCW 41.05.740, school districts offering medical, vision, and dental benefits shall:

(i) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(ii) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in RCW 41.05.655;

(iii) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(b) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(c) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(d) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

(6) The authority to make available basic and optional benefits to school employees under this section expires December 31, 2019, except (a) for nonrepresented employees of educational service districts for which the authority expires December 31, 2023, and (b) as authorized under RCW 28A.400.280. Beginning January 1, 2020, school

districts, for all school employees, and educational service districts, for represented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board. Beginning January 1, 2024, educational service districts, for nonrepresented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board.

NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

(1) In addition to the benefits offering authority under this chapter, the school employees' benefits board may study and, subject to the availability of funding, offer the following employee-paid, voluntary benefits:

- (a) Emergency transportation;
- (b) Identity protection;
- (c) Legal aid;
- (d) Long-term care insurance;
- (e) Noncommercial personal automobile insurance;
- (f) Personal homeowner's or renter's insurance;
- (g) Pet insurance;
- (h) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit regulated by the office of the insurance commissioner;
- (i) Travel insurance; and
- (j) Voluntary employees' beneficiary association accounts.

(2) The health care authority, in consultation with the school employees' benefits board, shall review the optional benefits reported by school districts as required in RCW 28A.400.280 and determine if the optional benefits are in competition with benefits currently offered under either the authority's or the board's authorities. If a school district benefit offering is determined to be in competition with the benefits offered under either the authority's or the board's authorities, the health care authority must inform the school district

of the benefits conflict and work with the school district, and the applicable carrier, to either modify and remove competing components of the district-based benefit or end the district-based offering. If a carrier is in the process of modifying benefits, including seeking any required regulatory approval, a school district may continue to offer the original benefit.

(3) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered pursuant to this section as an independent, noncoordinated benefit is not a health plan as defined in RCW 48.43.005."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 28A.400.280 and 28A.400.350; and adding a new section to chapter 41.05 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2458 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Stonier spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2458, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2458, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby,

Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Kraft, McCaslin, Shea, Steele, Walsh and Young.

Excused: Representative Paul.

HOUSE BILL NO. 2458, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2499 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.101.085 and 2006 c 22 s 1 are each amended to read as follows:

In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) Adopt, amend, or repeal rules as necessary to carry out this chapter;

(2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;

(3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

(4) Appoint members of a hearings board as provided under RCW 43.101.380;

(5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

(6) Grant, deny, or revoke certification of peace officers and corrections officers under the provisions of this chapter;

(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;

(8) Employ such investigative, administrative, and clerical staff as

necessary for the enforcement of this chapter; and

(9) (~~(7e)~~) Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process.

Sec. 2. RCW 43.101.010 and 2008 c 69 s 2 are each amended to read as follows:

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) "Chief for a day program" means a program in which commissioners and staff partner with local, state, and federal law enforcement agencies, hospitals, and the community to provide a day of special attention to chronically ill children. Each child is selected and sponsored by a law enforcement agency.

The event, "chief for a day," occurs on one day, annually or every other year and may occur on the grounds and in the facilities of the commission. The program may include any appropriate honoring of the child as a "chief," such as a certificate swearing them in as a chief, a badge, a uniform, and donated gifts such as games, puzzles, and art supplies.

(7) A peace officer or corrections officer is "convicted" at the time a plea of guilty has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes a deferral of sentence and also includes the equivalent disposition by a court in a jurisdiction other than the state of Washington.

(8) (a) "Discharged for disqualifying misconduct" (~~means~~) has the following meanings:

(i) A peace officer terminated from employment for: ~~((a))~~ (A) Conviction of ~~((i))~~ (I) any crime committed under color of authority as a peace officer, ~~((ii))~~ (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), ~~((iii))~~ (III) the unlawful use or possession of a controlled substance, or ~~((iv))~~ (IV) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; ~~((b))~~ (B) conduct that would constitute any of the crimes addressed in (a)(i)(A) of this subsection; or ~~((c))~~ (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination; or

(ii) A corrections officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a corrections officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), or (III) the unlawful use or possession of a controlled substance; (B) conduct that would constitute any of the crimes addressed in (a)(ii)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.

~~((9))~~ (b) A peace officer or corrections officer is "discharged for disqualifying misconduct" within the meaning of this subsection (8) (~~(of this section)~~) under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of this subsection (8) (~~(of this section)~~).

~~((10))~~ (9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer or corrections officer has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.

~~((11))~~ (10) "Peace officer" means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter.

(11) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult prisoners in jails and detention facilities and who is subject to the basic corrections training requirement of RCW 43.101.220 and any other requirements of that section,

notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.220. For the purpose of sections 3 through 13 of this act, "corrections officer" does not include individuals employed by state agencies.

NEW SECTION. Sec. 3. (1) As a condition of continuing employment as corrections officers, all Washington state corrections officers shall: (a) Timely obtain certification as corrections officers, or timely obtain exemption therefrom, by meeting all requirements of RCW 43.101.220, as that section is administered under the rules of the commission, as well as by meeting any additional requirements under this chapter; and (b) maintain the basic certification as corrections officers under this chapter. The commission shall certify corrections officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.220 on or before the effective date of this section. Thereafter, the commission may revoke certification pursuant to this chapter.

(2) As a condition of continuing employment for any applicant who has been offered a conditional offer of employment as a corrections officer after July 1, 2021, including any person whose certification has lapsed as a result of a break of more than twenty-four consecutive months in the officer's service as a corrections officer, the applicant shall submit to a background investigation including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States or a lawful permanent resident, a psychological examination, and a polygraph or similar assessment as administered by the corrections agency, the results of which shall be used to determine the applicant's suitability for employment as a corrections officer.

(3) The commission shall allow a corrections officer to retain status as a certified corrections officer as long as the officer: (a) Timely meets the basic corrections officer training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.220 or under rule of the commission; (b) meets or is exempted from any other requirements under this chapter as

administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification revoked by the commission.

(4) As a prerequisite to certification, as well as a prerequisite to pursuit of a hearing under section 9 of this act, a corrections officer must, on a form devised or adopted by the commission, authorize the release to the commission of his or her personnel files, termination papers, criminal investigation files, or other files, papers, or information that are directly related to a certification matter or decertification matter before the commission.

NEW SECTION. Sec. 4. Upon request by a corrections officer's employer or on its own initiative, the commission may deny or revoke certification of any corrections officer after written notice and hearing, if a hearing is timely requested by the corrections officer under section 9 of this act, based upon a finding of one or more of the following conditions:

(1) The corrections officer has failed to timely meet all requirements for obtaining a certificate of basic corrections training, or a certificate of exemption from the training;

(2) The corrections officer has knowingly falsified or omitted material information on an application for training or certification to the commission;

(3) The corrections officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified corrections officer was convicted of a felony before being employed as a corrections officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing corrections agency;

(4) The corrections officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after the effective date of this section;

(5) The corrections officer's certificate was previously issued by administrative error on the part of the commission; or

(6) The corrections officer has interfered with an investigation or action for denial or revocation of certificate by: (a) Knowingly making a materially false statement to the commission; or (b) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness.

NEW SECTION. Sec. 5. (1) A person denied a certification based upon dismissal or withdrawal from a basic corrections academy for any reason not also involving discharge for disqualifying misconduct is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, rules which may provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is denied or revoked based upon a felony criminal conviction is not eligible for certification at any time.

(4) A corrections officer whose certification is denied or revoked based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction, may, five years after the revocation or denial, petition the commission for reinstatement of the certificate or for eligibility for reinstatement. The commission shall hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission may establish a probationary period of certification.

(5) A corrections officer whose certification is revoked based solely upon a criminal conviction may petition

the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission may establish a probationary period of certification.

NEW SECTION. Sec. 6. A corrections officer's certification lapses automatically when there is a break of more than twenty-four consecutive months in the officer's service as a full-time corrections officer. A break in full-time corrections service which is due solely to the pendency of direct review or appeal from a disciplinary discharge, or to the pendency of a work-related injury, does not cause a lapse in certification. The officer may petition the commission for reinstatement of certification. Upon receipt of a petition for reinstatement of a lapsed certificate, the commission shall determine under this chapter and any applicable rules of the commission if the corrections officer's certification status is to be reinstated, and the commission shall also determine any requirements which the officer must meet for reinstatement. The commission may adopt rules establishing requirements for reinstatement.

NEW SECTION. Sec. 7. Upon termination of a corrections officer for any reason, including resignation, the agency of termination shall, within fifteen days of the termination, notify the commission on a personnel action report form provided by the commission. The agency of termination shall, upon request of the commission, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation under section 4 of this act. The commission shall maintain these notices in a permanent file, subject to RCW 43.101.400.

NEW SECTION. Sec. 8. A corrections officer or duly authorized representative of a corrections agency may submit a written complaint to the commission charging that a corrections officer's certificate should be denied or revoked, and specifying the grounds for the charge. Filing a complaint does not

make a complainant a party to the commission's action. The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint. A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

NEW SECTION. Sec. 9. (1) If the commission determines, upon investigation, that there is probable cause to believe that a corrections officer's certification should be denied or revoked under section 4 of this act, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of termination and any current corrections employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within sixty days of communication of the statement of charges, request a hearing before the hearings panel appointed under RCW 43.101.380. Failure of the officer to request a hearing within the sixty-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the date of the hearing must be scheduled not earlier than ninety days nor later than one hundred eighty days after the officer requests a hearing; the one hundred eighty-day period may be extended on mutual agreement of the parties or for good cause. The commission shall give written notice of hearing at least twenty days prior to the hearing, specifying the time, date, and place of hearing.

Sec. 10. RCW 43.101.380 and 2010 1st sp.s. c 7 s 14 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions

before the commission is clear, cogent, and convincing evidence.

(2) In all hearings requested under RCW 43.101.155 or section 9 of this act, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission may, but need not, be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear ~~((appeals from))~~ certification actions:

(a) When a hearing is requested in relation to a certification action of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two certified Washington peace officers who are at or below the level of first line supervisor, one of whom is from a city or county law enforcement agency, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When a hearing is requested in relation to a certification action of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, who is not a state patrol officer, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) When a hearing is requested in relation to a certification action of a Washington corrections officer, the commission shall appoint to the panel: (i) Two heads of either a city or county corrections agency or facility or of a Washington state department of corrections facility; (ii) two corrections officers who are at or below the level of first line supervisor, who are from city, county, or state corrections agencies, and who have at least ten years' experience as corrections officers; and (iii) one

person who is not currently a corrections officer and who represents a community college or four-year college or university.

(d) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) either one police chief or one sheriff; (ii) one tribal police chief; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; (iv) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

~~((d))~~ (e) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer or corrections officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d) or section 4(4) of this act, and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer or corrections officer, allow the peace officer or corrections officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer or corrections officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(c) or section 4(3) of this act, the hearings panel shall revoke or deny certification if it determines that the peace officer or corrections officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer or corrections officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (e), or (f) or section 4 (1), (2), (5), or (6) of this act, the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

NEW SECTION. Sec. 11. An individual whose peace officer certification is denied or revoked pursuant to this chapter may not thereafter be certified as a corrections officer without first satisfying the requirements of eligibility for certification or reinstatement of certification. A corrections officer whose corrections officer certification is denied or revoked pursuant to this chapter may not thereafter be certified as a peace officer without first satisfying the requirements of eligibility for certification or reinstatement of certification.

Sec. 12. RCW 43.101.400 and 2001 c 167 s 12 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under RCW 43.101.135 or section 7 of this act; (b) all files, papers, and other information obtained by

the commission pursuant to RCW 43.101.095(~~(3)~~) (5) or section 3 of this act; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under this chapter. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in subsection (5) of this section.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement or corrections agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement or corrections agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) Upon a determination that a complaint is without merit, that a personnel action report filed under RCW 43.101.135 does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.

(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject

to subpoena and discovery proceedings in civil actions.

(6) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

Sec. 13. RCW 43.101.080 and 2018 c 32 s 4 are each amended to read as follows:

The commission shall have all of the following powers:

(1) To meet at such times and places as it may deem proper;

(2) To adopt any rules and regulations as it may deem necessary;

(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;

(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;

(6) To select and employ an executive director, and to empower him or her to perform such duties and responsibilities as it may deem necessary;

(7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;

(8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;

(9) To own, establish, and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs;

(10) To establish, by rule and regulation, minimum curriculum standards

for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, innovative, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules and regulations recommended by the training standards and education boards prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

(19) To require county, city, or state law enforcement and corrections agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer ~~((or))~~, a reserve officer, or a corrections officer to administer a background investigation including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination, and a polygraph test or similar assessment to each applicant, the results of which shall be used by the employer to determine the applicant's suitability

for employment as a fully commissioned peace officer ~~((or))~~, a reserve officer, or a corrections officer. The background investigation, psychological examination, and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2) for peace officers, and section 3 of this act for corrections officers. The employing county, city, or state law enforcement agency may require that each peace officer ~~((or))~~, reserve officer, or corrections officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer ~~((or))~~, reserve officer, or corrections officer does not readily have the means to pay for his or her portion of the testing fee. This subsection does not apply to corrections officers employed by state agencies;

(20) To promote positive relationships between law enforcement and the citizens of the state of Washington by allowing commissioners and staff to participate in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with chapter 42.52 RCW and chapter 292-110 WAC.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 14. RCW 43.101.220 and 2019 c 415 s 970 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission. The standards adopted must provide for basic corrections training of at least ten weeks in length for any corrections officers subject to the

certification requirement under section 3 of this act who are hired on or after July 1, 2021, or on an earlier date set by the commission. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees, except during the 2017-2019 and 2019-2021 fiscal biennia, when the employing county, municipal corporation, or state agency shall reimburse the commission for twenty-five percent of the cost of training its personnel.

(3)(a) Subsections (1) and (2) of this section do not apply to the Washington state department of corrections prisons division. The Washington state department of corrections is responsible for identifying training standards, designing curricula and programs, and providing the training for those corrections personnel employed by it. In doing so, the secretary of the department of corrections shall consult with staff development experts and correctional professionals both inside and outside of the agency, to include soliciting input from labor organizations.

(b) The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections.

NEW SECTION. Sec. 15. 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. 16. Sections 3 through 9 and 11 of this act are each added to chapter 43.101 RCW."

On page 1, line 1 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 43.101.085, 43.101.010, 43.101.380, 43.101.400, 43.101.080, and 43.101.220;

and adding new sections to chapter 43.101 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2499 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Appleton and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2499, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2499, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 2499, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2513 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.293 and 1977 ex.s. c 18 s 1 are each amended to read as follows:

~~((Each state public or private))~~ (1) Institutions of higher education may, in the control and collection of any debt or claim due owing to it, impose reasonable financing and late charges, as well as reasonable costs and expenses incurred in the collection of such debts, if provided for in the note or agreement signed by the debtor.

(2) Institutions of higher education may not do any of the following for the purposes of debt collection, unless the debts are related to nonpayment of tuition fees, room and board fees, or financial aid funds owed:

(a) Refuse to provide an official transcript for a current or former student on the grounds that the student owes a debt;

(b) Condition the provision of an official transcript on the payment of the debt, other than a fee charged to provide the official transcript;

(c) Charge a higher fee for obtaining the official transcript, or provide less than favorable treatment of an official transcript request because a student owes a debt; or

(d) Use transcript issuance as a tool for debt collection.

(3) Institutions of higher education may not withhold a student's official transcript, regardless of debt, except the fee charged to provide an official transcript, if the official transcript is requested by a student or entity for any of the following purposes:

(a) Job applications;

(b) Transferring to another institution;

(c) Applying for financial aid;

(d) Pursuit of opportunities in the military or national guard; or

(e) Pursuit of other postsecondary opportunities.

(4) Institutions of higher education may not withhold registration privileges as a debt collection tool, excluding the case of any debts related to nonpayment

of tuition fees, room and board fees, or financial aid funds owed.

(5) If an institution of higher education chooses to withhold official transcripts or registration privileges as a tool for debt collection, the institution shall disclose to students through a secure portal or email and the class registration process the following at the start of each academic term:

(a) The amount of debt, if any, owed by the student to the institution;

(b) Information on payment of the debt, including who to contact to set up a payment plan; and

(c) Any consequences that will result from the nonpayment of the debt.

(6) For the purposes of this section:

(a) "Debt" means any money, obligation, claim, or sum, due or owing, or alleged to be due or owing, from a student.

(b) "Financial aid funds owed" means any financial aid funds owed to the institution under Title IV, or to the state, due to miscalculation, withdrawal, misinformation, or other reason, not including standard repayment of student loans.

(c) "Institutions of higher education" means the same as in RCW 28B.92.030.

(d) "Room and board fees" means any money, obligation, claim, or sum, due or owing, or alleged to be due or owing, from a student for the provision of contractually agreed to on-campus housing or meal services plans.

(e) "Tuition fees" means tuition fees as defined in RCW 28B.15.020, services and activities fees as defined in RCW 28B.15.041, technology fees as defined in RCW 28B.15.051, and fees charged for nonstate funded, fee-based, self-supporting degree, certificate, or continuing education courses, or similar charges for nonpublic institutions.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

Institutions of higher education shall report to the governor and the higher education committees of the legislature in accordance with RCW 43.01.036 annually beginning on December 1, 2020, on transcript and registration

holds used as debt collection tools, including:

(1) Each institution's policy on when transcript and registration holds are used, including the time frames and amounts for which holds are to be used and the lowest amount for which an institution assigns a debt to a third-party collection agency;

(2) The number of official transcripts and registration privileges being withheld by each institution; and

(3) The number of past-due accounts assigned to third-party collection agencies."

On page 1, line 3 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 28B.10.293; and adding a new section to chapter 28B.10 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2513 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Slatter spoke in favor of the passage of the bill.

Representative Van Werven spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2513, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2513, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake,

Slatter, Springer, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chapman, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Smith, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 2513, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2554 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) A health carrier that excludes, under state or federal law, any benefit required or mandated by this title or rules adopted by the commissioner from any health plan or student health plan shall:

(a) Notify each enrollee in writing of the following:

(i) Which benefits the health plan or student health plan does not cover; and

(ii) Alternate ways in which the enrollees may access excluded benefits in a timely manner;

(b) Ensure that enrollees have prompt access to the information required under this subsection; and

(c) Clearly and legibly include the information specified in (a)(i) and (ii) of this subsection in any of its marketing materials that include a list of benefits covered under the plan. The information must also be listed in the benefit booklet and posted on the carrier's health plan or student health plan web site.

(2) For the purpose of mitigating inequity in the health insurance market, unless waived by the commissioner pursuant to (c) of this subsection, the commissioner must assess a fee on any

health carrier offering a health plan or student health plan if the health plan or student health plan excludes, under state or federal law, any essential health benefit or coverage that is otherwise required or mandated by this title or rules adopted by the commissioner.

(a) The commissioner shall set the fee in an amount that is the actuarial equivalent of costs attributed to the provision and administration of the excluded benefit. As part of its rate filing, a health carrier subject to this subsection (2) must submit to the commissioner an estimate of the amount of the fee, including supporting documentation of its methods for estimating the fee. The carrier must include in its supporting documentation a certification by a member of the American academy of actuaries that the estimated fee is the actuarial equivalent of costs attributed to the provision and administration of the excluded benefit.

(b) Fees paid under this section must be deposited into the general fund.

(c) The commissioner may waive the fee assessed under this subsection (2) if he or she finds that the carrier excluding a mandated benefit for a health plan or student health plan provides health plan enrollees or student health plan enrollees alternative access to all excluded mandated benefits.

(3) Beginning July 1, 2021, the commissioner shall provide on its web site written notice of the carrier requirements in this section and information on alternate ways in which enrollees may access excluded benefits in a timely manner.

(4) Nothing in this section limits the authority of the commissioner to take enforcement action if a health carrier unlawfully fails to comply with the provisions of this title.

(5) The commissioner shall adopt any rules necessary to implement this section.

NEW SECTION. Sec. 2. A new section is added to chapter 43.71 RCW to read as follows:

(1) Beginning November 1, 2021, the exchange shall provide individuals seeking to enroll in coverage on its web site with access to the information a health carrier must provide under section 1 of this act for any qualified health

plan the health carrier offers that excludes, under state or federal law, any benefit required or mandated by Title 48 RCW or rules adopted by the commissioner.

(2) The exchange may provide the access required under this section directly on its web site, through a link to an external web site, or in any other manner that allows consumers to easily access the information.

NEW SECTION. Sec. 3. 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."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "adding a new section to chapter 48.43 RCW; and adding a new section to chapter 43.71 RCW."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2554 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Stonier spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2554, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2554, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chambers, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier,

Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wylie and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2554, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Substance use disorder is a treatable brain disease from which people recover;

(b) Electing to go to addiction treatment is an act of great courage; and

(c) When people with substance use disorder are provided rapid access to quality treatment within their window of willingness, recovery happens.

(2) The legislature therefore intends to ensure that there is no wrong door for individuals accessing substance use disorder treatment services by requiring coverage, and prohibiting barriers created by prior authorization and premature utilization management review when persons with substance use disorders are ready or urgently in need of treatment services.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2021, may not require an enrollee to obtain prior authorization for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency

licensed or certified under RCW 71.24.037.

(2)(a) A health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2021, must:

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The health plan may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the health plan may initiate utilization management review procedures if the behavioral health agency continues to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c)(i) The behavioral health agency under (a) of this subsection must notify an enrollee's health plan as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the health plan with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the plan may initiate a medical necessity review process. Medical necessity review must be based on the standard set of criteria established under section 6 of this act. If the health plan determines within one

business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the health plan's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the health plan must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the health plan the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The health plan is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the health plan involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the health plan shall work with the current agency to make arrangements for a seamless transfer as soon as possible to an appropriate and available facility or level of care. The health plan shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility or lower level of care is complete. A seamless transfer to a

lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the health plan's network is not available, the health plan shall pay the current agency until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

NEW SECTION. Sec. 3. A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a health plan issued or renewed on or after January 1, 2021, may not require an enrollee to obtain prior authorization for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency licensed or certified under RCW 71.24.037.

(2)(a) A health plan issued or renewed on or after January 1, 2021, must:

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The health plan may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the health plan may initiate utilization management review procedures if the behavioral health agency continues

to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c) (i) The behavioral health agency under (a) of this subsection must notify an enrollee's health plan as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the health plan with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the plan may initiate a medical necessity review process. Medical necessity review must be based on the standard set of criteria established under section 6 of this act. If the health plan determines within one business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the health plan's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the health plan must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the health plan the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria

established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The health plan is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the health plan involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the health plan shall work with the current agency to make arrangements for a seamless transfer as soon as possible to an appropriate and available facility or level of care. The health plan shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility or lower level of care is complete. A seamless transfer to a lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the health plan's network is not available, the health plan shall pay the current agency until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning January 1, 2021, a managed care organization may not require an enrollee to obtain prior authorization

for withdrawal management services or inpatient or residential substance use disorder treatment services in a behavioral health agency licensed or certified under RCW 71.24.037.

(2) (a) Beginning January 1, 2021, a managed care organization must:

(i) Provide coverage for no less than two business days, excluding weekends and holidays, in a behavioral health agency that provides inpatient or residential substance use disorder treatment prior to conducting a utilization review; and

(ii) Provide coverage for no less than three days in a behavioral health agency that provides withdrawal management services prior to conducting a utilization review.

(b) The managed care organization may not require an enrollee to obtain prior authorization for the services specified in (a) of this subsection as a condition for payment of services prior to the times specified in (a) of this subsection. Once the times specified in (a) of this subsection have passed, the managed care organization may initiate utilization management review procedures if the behavioral health agency continues to provide services or is in the process of arranging for a seamless transfer to an appropriate facility or lower level of care under subsection (6) of this section.

(c) (i) The behavioral health agency under (a) of this subsection must notify an enrollee's managed care organization as soon as practicable after admitting the enrollee, but not later than twenty-four hours after admitting the enrollee. The time of notification does not reduce the requirements established in (a) of this subsection.

(ii) The behavioral health agency under (a) of this subsection must provide the managed care organization with its initial assessment and initial treatment plan for the enrollee within two business days of admission, excluding weekends and holidays, or within three days in the case of a behavioral health agency that provides withdrawal management services.

(iii) After the time period in (a) of this subsection and receipt of the material provided under (c)(ii) of this subsection, the managed care organization may initiate a medical necessity review process. Medical necessity review must be based on the

standard set of criteria established under section 6 of this act. If the health plan determines within one business day from the start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection that the admission to the facility was not medically necessary and advises the agency of the decision in writing, the health plan is not required to pay the facility for services delivered after the start of the medical necessity review period, subject to the conclusion of a filed appeal of the adverse benefit determination. If the managed care organization's medical necessity review is completed more than one business day after start of the medical necessity review period and receipt of the material provided under (c)(ii) of this subsection, the managed care organization must pay for the services delivered from the time of admission until the time at which the medical necessity review is completed and the agency is advised of the decision in writing.

(3) The behavioral health agency shall document to the managed care organization the patient's need for continuing care and justification for level of care placement following the current treatment period, based on the standard set of criteria established under section 6 of this act, with documentation recorded in the patient's medical record.

(4) Nothing in this section prevents a health carrier from denying coverage based on insurance fraud.

(5) If the behavioral health agency under subsection (2)(a) of this section is not in the enrollee's network:

(a) The managed care organization is not responsible for reimbursing the behavioral health agency at a greater rate than would be paid had the agency been in the enrollee's network; and

(b) The behavioral health agency may not balance bill, as defined in RCW 48.43.005.

(6) When the treatment plan approved by the managed care organization involves transfer of the enrollee to a different facility or to a lower level of care, the care coordination unit of the managed care organization shall work with the current agency to make arrangements for a seamless transfer as soon as possible

to an appropriate and available facility or level of care. The managed care organization shall pay the agency for the cost of care at the current facility until the seamless transfer to the different facility or lower level of care is complete. A seamless transfer to a lower level of care may include same day or next day appointments for outpatient care, and does not include payment for nontreatment services, such as housing services. If placement with an agency in the managed care organization's network is not available, the managed care organization shall pay the current agency at the service level until a seamless transfer arrangement is made.

(7) The requirements of this section do not apply to treatment provided in out-of-state facilities.

(8) For the purposes of this section "withdrawal management services" means twenty-four hour medically managed or medically monitored detoxification and assessment and treatment referral for adults or adolescents withdrawing from alcohol or drugs, which may include induction on medications for addiction recovery.

NEW SECTION. Sec. 5. (1) The health care authority shall develop an action plan to support admission to and improved transitions between levels of care for both adults and adolescents.

(2) The health care authority shall develop the action plan in partnership with the office of the insurance commissioner, medicaid managed care organizations, commercial health plans, providers of substance use disorder services, and Indian health care agencies.

(3) The health care authority must include the following in the action plan:

(a) Identification of barriers in order to facilitate transfers to the appropriate level of care, and specific actions to remove those barriers; and

(b) Specific actions that may lead to the increase in the number of persons successfully transitioning from one level of care to the next appropriate level of care.

(4) The barriers and action items to be identified and addressed in the action plan under subsection (3) of this section include, but are not limited to:

(a) Having the health care authority and department of health explore systems to allow higher acuity withdrawal management facilities to bill for appropriate lower levels of care while maintaining financial stability;

(b) Developing protocols for the initial notification by a substance use disorder treatment agency to fully insured health plans and managed care organizations in regards to an enrollee's admission to a facility and uniformity in the plan's response to the agency in regards to the receipt of this information;

(c) Facilitating direct transfers to withdrawal management and residential substance use disorder treatment from hospitals and jails;

(d) Addressing concerns related to individuals being denied withdrawal management services based on their drug of choice;

(e) Exploring options for allowing medicaid managed care organizations to pay an administrative rate and establishing the equivalent reimbursement mechanism for commercial health plans for a plan enrollee who needs to remain in withdrawal management or residential care until a seamless transfer can occur, but no longer requires the higher acuity level that was the reason for the initial admission; and

(f) Establishing the minimum amount of medical information necessary to gather from the patient for utilization reviews in a withdrawal management setting.

(5) For medicaid services, specific actions must align with federal and state medicaid requirements regarding medical necessity, minimize duplicative or unnecessary burdens for agencies, and be patient-centered for medicaid managed care organizations.

(6) The health care authority shall develop options for best communicating the action plan to substance use disorder agencies by December 1, 2020.

NEW SECTION. Sec. 6. For the purposes of promoting standardized training for behavioral health professionals and facilitating communications between behavioral health agencies, executive agencies, managed care organizations, private health plans, and plans offered through the

public employees' benefits board, it is the policy of the state to adopt a single standard set of criteria to define medical necessity for substance use disorder treatment and to define substance use disorder levels of care in Washington. The criteria selected must be comprehensive, widely understood and accepted in the field, and based on continuously updated research and evidence. The health care authority and the office of the insurance commissioner must independently review their regulations and practices by January 1, 2021. The health care authority may make rules if necessary to promulgate the selected standard set of criteria."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 71.24 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Davis and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2642, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2642, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt,

Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2642, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** This act may be known and cited as the hunger-free schools act.

Sec. 2. RCW 28A.235.290 and 2019 c 208 s 2 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall develop and implement a plan to increase the number of schools participating in the United States department of agriculture community eligibility provision for the 2018-19 school year and subsequent years. The office shall work jointly with community-based organizations and national experts focused on hunger and nutrition and familiar with the community eligibility provision, at least two school representatives who have successfully implemented community eligibility, and the state agency responsible for medicaid direct certification. The plan must describe how the office of the superintendent of public instruction will:

(a) Identify and recruit eligible schools to implement the community eligibility provision, with the goal of increasing the participation rate of eligible schools to at least the national average;

(b) Provide comprehensive outreach and technical assistance to school districts and schools to implement the community eligibility provision;

(c) Support breakfast after the bell programs authorized by the legislature to adopt the community eligibility provision;

(d) Work with school districts to group schools in order to maximize the number of schools implementing the community eligibility provision; and

(e) Determine the maximum percentage of students eligible for free meals where participation in the community eligibility provision provides the most support for a school, school district, or group of schools.

(2) Until June 30, (~~2019~~) 2021, the office of the superintendent of public instruction shall convene the organizations working jointly on the plan monthly to report on the status of the plan and coordinate outreach and technical assistance efforts to schools and school districts. In completing the duties required by this subsection (2), the office of the superintendent of public instruction and the organizations working jointly on the plan shall also, by December 1, 2020, examine the impacts to schools and districts that can result from participation in the community eligibility provision and identify approaches to addressing those impacts.

(3) Beginning in 2018, the office of the superintendent of public instruction shall report annually the number of schools that have implemented the community eligibility provision to the legislature by December 1st of each year. The report shall identify:

(a) Any barriers to implementation;

(b) Recommendations on policy and legislative solutions to overcome barriers to implementation;

(c) Reasons potentially eligible schools and school districts decide not to adopt the community eligibility provision; and

(d) Approaches in other states to adopting the community eligibility provision.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.235 RCW to read as follows:

(1) Except as provided otherwise by this section, each school with students in or below grade eight that has an identified student percentage of at least sixty-two and one-half percent, as

determined annually by April 1st, must participate in the United States department of agriculture's community eligibility provision in the subsequent school year and throughout the duration of the community eligibility provision's four-year cycle.

(2) Schools that, through an arrangement with a local entity, provide meals to all students and at no costs to the students are exempt from the requirements of this section.

(3) For the purposes of this section, "identified student" means a student who is directly certified for free school meals based on the student's participation in other means-tested assistance programs, and students who are categorically eligible for free school meals without an application and not subject to income verification.

Sec. 4. RCW 28A.150.260 and 2018 c 266 s 101 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2) (a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4) (b) and (c) and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must also report state general apportionment per-pupil allocations by grade for each school district. The superintendent must report this information in a user-friendly format on the main page of the office's web site and on school district apportionment reports. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's web site. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school

prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

General education	
average class size	
Grades K-3.....	17.00
Grade 4.....	27.00
Grades 5-6.....	27.00
Grades 7-8.....	28.53
Grades 9-12.....	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through twelve per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

Laboratory science

average class size		Scho	Sc	ho	
Grades 9-12	19.98	ol	ho	ol	
(b) (i) Beginning September 1, 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.			ol	ol	
		Principals, assistant principals, and other certificated building-level administrators	1.25 3	1. 35 3	1. 88 0
(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4) (b).		Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs	0.66 3	0. 51 9	0. 52 3
(c) (i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:		Health and social services:			
Career and technical education average class size		School nurses	0.07 6	0. 06 0	0. 09 6
Approved career and technical education offered at the middle school and high school level	23.00	Social workers	0.04 2	0. 00 6	0. 01 5
Skill center programs meeting the standards established by the office of the superintendent of public instruction	20.00	Psychologists	0.01 7	0. 00 2	0. 00 7
(ii) Funding allocated under this subsection (4) (c) is subject to RCW 28A.150.265.		Guidance counselors, a function that includes parent outreach and graduation advising .	0.49 3	1. 21 6	2. 53 9
(d) In addition, the omnibus appropriations act shall at a minimum specify:		Teaching assistance, including any aspect of educational instructional services provided by classified employees	0.93 6	0. 70 0	0. 65 2
(i) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and		Office support and other noninstructional aides	2.01 2	2. 32 5	3. 26 9
(ii) A specialty average class size for advanced placement and international baccalaureate courses.		Custodians	1.65 7	1. 94 2	2. 96 5
(5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:		Classified staff providing student and staff safety	0.07 9	0. 09 2	0. 14 1
		Parent involvement coordinators	0.08 25	0. 00	0. 00
	Elem enta ry	Mi dd le	Hi gh Sc		
		(6) (a) The minimum staffing allocation for each school district to			

provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000	
K-12 students	
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average	
full-time equivalent student	
in grades K-12	
Technology	\$130.76
Utilities and insurance	\$355.30
Curriculum and textbooks ...	\$140.39
Other supplies	\$278.05
Library materials	\$20.00
Instructional professional development for certificated and classified staff	\$21.71
Facilities maintenance	\$176.01
Security and central office administration	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through twelve for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average	
full-time equivalent student	
in grades 9-12	
Technology.....	\$36.35
Curriculum and textbooks.....	\$39.02
Other supplies	\$77.28
Library materials.....	\$5.56
Instructional professional development for certificated and classified staff.....	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through twelve;

(b) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and

(c) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the greater of either: The district percentage of students in kindergarten through grade twelve who were eligible for free or reduced-price meals for the school year immediately preceding the district's participation, in whole or

part, in the United States department of agriculture's community eligibility provision, or the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in qualifying schools. A qualifying school means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds fifty percent or more of its total annual average enrollment. A school continues to meet the definition of a qualifying school if the school: Participates in the United States department of agriculture's community eligibility provision; and met the definition of a qualifying school in the year immediately preceding their participation. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through twelve, with fifteen transitional bilingual instruction program students per

teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program, allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with fifteen exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and

(9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13) (a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 5. RCW 28A.405.415 and 2013 2nd sp.s. c 5 s 4 are each amended to read as follows:

(1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation, except that the bonus shall not be increased during the 2013-14 and 2014-15 school years.

(2) (a) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that provided by subsection (1) of this section if the individual is in an instructional assignment in a school in which at least seventy percent of the students qualify for the free and reduced-price lunch program.

(b) An individual is eligible for bonuses authorized under this subsection (2) if he or she is in an instructional assignment in a school that meets the definition of high poverty school as defined in rule by the office of the superintendent of public instruction in the school year immediately preceding the school's participation in the United States department of agriculture's community eligibility provision.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is five thousand dollars.

(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

(5) The bonuses provided under this section shall be paid in a lump sum amount."

On page 1, line 2 of the title, after "cost;" strike the remainder of the title and insert "amending RCW 28A.235.290, 28A.150.260, and 28A.405.415; adding a new section to chapter 28A.235 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Riccelli and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2660, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2660, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chandler and Kraft.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2660, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2793 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The administrative office of the courts shall conduct a study and a pilot project on streamlining the vacation of criminal convictions under RCW 9.96.060 (2) (b) and (5) (a) and 9.94A.640(2) through an administrative, court-driven process established under section 2 of this act.

(2) The administrative office of the courts shall:

(a) Determine the types of data currently available to the administrative office of the courts to

assess eligibility under RCW 9.96.060 (2) (b) and (5) (a) and 9.94A.640(2);

(b) Evaluate additional types of information that should be reported to judicial information systems or directly to sentencing courts or the administrative office of the courts to improve the reliability of the screening process;

(c) Propose procedures for conducting queries of available records to assess eligibility, which may include, for example: (i) If applicable, whether a person is currently incarcerated for a criminal offense may be determined by reviewing the term of confinement reflected in the judgment and sentence document for his or her most recent criminal conviction; (ii) if applicable, whether a person completed his or her sentencing conditions, excluding legal financial obligations, and satisfied the waiting period under RCW 9.96.060(2)(b)(vi)(D) or (vii) or 9.94A.640(2)(e) or (f) may be determined by adding the waiting period to the terms of confinement and community custody reflected in the applicable judgment and sentence document; (iii) if applicable, the period for which a person must not have been convicted of any new criminal offense under RCW 9.96.060(2)(b)(viii) or 9.94A.640(2)(c) or (d) may be determined based on the date of the query conducted by the administrative office of the courts, rather than the date of application; and (iv) any other procedures deemed necessary by the administrative office of the courts;

(d) Assess whether any changes to laws, policies, or practices or additional resources are necessary to improve the reliability of the process for the pilot program and for launching a similar program statewide;

(e) Develop an implementation plan for the pilot program under section 2 of this act; and

(f) Make additional recommendations deemed appropriate and necessary by the administrative office of the courts.

(3) The administrative office of the courts shall report to the governor and the appropriate committees of the legislature, as follows:

(a) A report with findings, recommendations, and an implementation plan must be submitted by December 1, 2020;

(b) A status update on the pilot program must be submitted by December 1, 2021; and

(c) A final report on the pilot program, including a summary of data collected under section 2 of this act and other findings and recommendations, must be submitted by December 1, 2022.

(4) When conducting the evaluation and pilot program required under this section and section 2 of this act, the administrative office of the courts shall consult with county clerks and court administrators, judges, prosecuting attorneys, defense attorneys, the department of corrections, county and city departments, national and local organizations with interest or experience in vacating or sealing criminal convictions, national and local organizations with experience in developing automated vacating or sealing procedures in other states, organizations and persons with relevant technical expertise in computer and records systems, and any other entities with relevant records.

(5) This section expires June 30, 2025.

NEW SECTION. Sec. 2. (1) Beginning July 1, 2021, through June 30, 2022, the administrative office of the courts shall conduct a pilot program for streamlining the vacation of criminal convictions under RCW 9.96.060 (2)(b) and (5)(a) and 9.94A.640(2) through an administrative, court-driven process. After consulting with courts of general and limited jurisdiction, the administrative office of the courts shall select a county in which to conduct the pilot program. The sentencing courts within the county selected for the pilot program shall comply with the requirements of this section, and further provide information to the administrative office of the courts necessary for the reporting requirement under subsection (4) of this section.

(2) When conducting the pilot program, the administrative office of the courts shall review convictions from the participating county for the purpose of determining whether those convictions should be scheduled for administrative vacation hearings. If appropriate and necessary for producing reliable notifications to sentencing courts participating in the pilot program, the administrative office of the courts may

limit the screening process to certain types or classes of convictions or defendants. The process must:

(a) Review convictions beginning at the earliest period for which electronic court records are reliable, provided that the review applies to convictions beginning no later than January 1, 2000;

(b) Rely upon records available to the administrative office of the courts through judicial information systems and other agencies including, but not limited to, the Washington state patrol and the department of corrections;

(c) Determine whether a defendant is currently incarcerated for a criminal offense, and whether available records indicate that he or she is precluded from qualifying to vacate his or her misdemeanor conviction under RCW 9.96.060 (2)(b) or (5)(a) or his or her felony conviction under RCW 9.94A.640(2), which may be based on queries and other procedures developed by the administrative office of the courts including, but not limited to, those referenced in section 1(2)(c) of this act;

(d) Notify sentencing courts to schedule an administrative vacation hearing for any defendant where a review of available records does not indicate that the defendant is precluded from qualifying to vacate his or her conviction;

(e) Prioritize potentially qualifying defendants according to criteria established by the administrative office of the courts so as not to hinder sentencing courts with excessive notifications; and

(f) Review records and provide notifications on a monthly or quarterly basis, as determined by the administrative office of the courts.

(3)(a) Beginning July 1, 2021, through June 30, 2022, sentencing courts within the county selected for the pilot program under this section shall conduct regularly scheduled administrative vacation hearings.

(b) When a participating sentencing court receives notice from the administrative office of the courts under subsection (2) of this section regarding a defendant potentially qualifying to vacate his or her conviction, the court shall set an administrative vacation

hearing. At an administrative vacation hearing, the court shall determine whether to vacate the conviction based on the requirements for the particular offense under RCW 9.96.060 (2)(b) or (5)(a) or 9.94A.640(2). The defendant is presumed to meet the requirements and the court shall vacate the conviction, unless: Court records indicate that the defendant does not meet the requirements; or the prosecutor objects on the basis that the defendant does not meet the requirements or that the defendant is currently incarcerated for a criminal offense, provided that such objection is made with sufficient particularity and supporting information. If the court determines the defendant is not currently eligible, but is likely to become eligible in the future, the court may set a subsequent administrative vacation hearing at an appropriate date determined by the court. Otherwise, the court may decline to vacate the conviction without setting a subsequent hearing.

(c) For the purposes of conducting proceedings under this section, the requirements under RCW 9.96.060 (2)(b) and (5)(a) apply to misdemeanors and the requirements under RCW 9.94A.640(2) apply to felonies, except a defendant is not required to: File a petition or application; provide notice to relevant parties; or appear at an administrative hearing. If the court vacates a conviction under this section, it shall achieve the vacation through the procedure provided in RCW 9.96.060(1). A vacation under this section is processed in the same manner and has the same effect as provided under RCW 9.96.060 (6) and (7) for a misdemeanor or RCW 9.94A.640(3) for a felony. Regardless of whether a hearing under this section has previously occurred or is scheduled at a future date, nothing in this section prohibits a defendant from applying to the court to: Vacate a conviction under RCW 9.96.060 or 9.94A.640; or seal his or her conviction or vacation records under court rules.

(4) The administrative office of the courts shall collect the following information with respect to convictions where notifications were sent to sentencing courts through the pilot program, including: The number of notifications sent to sentencing courts; the number of administrative hearings held; the number of vacations granted at administrative hearings; the number of convictions where the court set a future

administrative hearing based on predicted eligibility; the number of convictions where the court declined to vacate the convictions without setting a future administrative hearing; and other data deemed relevant by the administrative office of the courts. The administrative office of the courts shall include a summary of the data, including by type of court and for the entire pilot program, in its reports required under section 1(3) (b) and (c) of this act.

(5) This section expires June 30, 2025.

Sec. 3. RCW 9.96.060 and 2019 c 400 s 1, 2019 c 331 s 4, and 2019 c 46 s 5010 are each reenacted and amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2)(a) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of (b) of this subsection, the court may in its discretion vacate the record of conviction.

(b) Except as provided in subsections (3), (4), and (5) of this section, (~~an applicant~~) a defendant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

~~((a))~~ (i) The ~~((applicant))~~ defendant has not completed all of the terms of the sentence for the offense;

~~((b))~~ (ii) There are any criminal charges against the ~~((applicant))~~ defendant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

~~((c))~~ (iii) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

~~((d))~~ (iv) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the ~~((applicant))~~ defendant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

~~((e))~~ (v) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

~~((f))~~ (vi) The ~~((applicant))~~ defendant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

~~((i))~~ ~~The applicant~~ (A) If the defendant is requesting a vacation through an application, the defendant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

~~((iii))~~ (B) The ~~((applicant))~~ defendant has two or more domestic violence convictions stemming from different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

~~((iii))~~ (C) The ~~((applicant))~~ defendant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

~~((iv))~~ (D) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

~~((g))~~ (vii) For any offense other than those described in ~~((f))~~ (vi) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

~~((h))~~ (viii) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

~~((i))~~ (ix) The ~~((applicant))~~ defendant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction. The limitation in this subsection (3)(b) does not apply to convictions where the offender proves by a preponderance of the evidence that he or she committed the crime as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., according to the requirements provided in RCW 9.96.070 for each respective conviction.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) (a) Every person convicted of a misdemeanor marijuana offense, who was twenty-one years of age or older at the time of the offense, (~~may apply to the sentencing court for a vacation of the applicant's~~) qualifies to have his or her record of conviction for the offense

vacated by the sentencing court. A misdemeanor marijuana offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance.

(b) If (~~an applicant qualifies~~) a qualifying defendant applies to the sentencing court under this subsection, the court shall vacate the record of conviction.

(6) (a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); or (ii) stalking (RCW 9A.46.110). A vacated conviction under this section is not considered a

conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

(7) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act constitute a new chapter in Title 10 RCW."

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "reenacting and amending RCW 9.96.060; adding a new chapter to Title 10 RCW; and providing expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2793 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hansen and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2793, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2793, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Dye, Jenkin, Kraft, Orcutt, Schmick and Vick.

Excused: Representative Paul.

SECOND SUBSTITUTE HOUSE BILL NO. 2793, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2811 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that environmental and sustainability education offers a rich and meaningful context for integrated learning and teaching. The legislature also finds that nonprofit community-based organizations are uniquely positioned to strengthen classroom learning by partnering and collaborating with schools and local employers to offer K-12 educators work-integrated learning experiences that address the Washington state science learning standards including next generation science standards. Close collaboration with educational service district's regional science coordinators can optimize learning by helping align next generation science standards implementation with community-based organization initiatives to ensure all students have access to engaging field experiences allowing them to understand the scientific, social, and economic impacts of healthy community

resources such as gardens, watersheds and water systems, energy systems, or forests so they can participate in solutions to problems such as ocean acidification, rural economic development, or ecosystems impacted by megafires.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall provide state leadership for the integration of environmental and sustainability content with curriculum, instruction, and assessment.

(2) (a) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall contract on a competitive basis with a Washington state-based qualified 501(c)(3) nonprofit community-based organization to integrate the state learning standards in English language arts, mathematics, and science with outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resources, and agricultural sectors.

(b) The selected Washington state nonprofit organization must work collaboratively with the office of the superintendent of public instruction and educational service districts to:

(i) Build systemic programming that connects administrators, school boards, and communities to support teacher practice and student opportunities for the strengthened delivery of environmental and sustainability education;

(ii) Support K-12 educators to teach students integrated, equitable, locally relevant, real-world environmental science and engineering outdoors, aligned to Washington science and environmental and sustainability education standards, and provide opportunities to engage students in renewable natural resource career awareness; and

(iii) Deliver learning materials, opportunities, and resources including, but not limited to:

(A) Providing opportunities outside the classroom to connect transdisciplinary content, concepts, and skills in the context of the local community;

(B) Encouraging application of critical and creative thinking skills to identify and analyze issues, seek answers, and engineer solutions;

(C) Creating community-connected, local opportunities to engage students in stewardship projects that enhance their interest in sustaining the ecosystem and respecting natural resources;

(D) Providing work-based learning opportunities for careers in the environmental science and engineering, natural resources, sustainability, renewable energy, agriculture, and outdoor recreation sectors and build skills for completion of industry recognized certifications; and

(E) Providing models for integrating since time immemorial in teaching materials so that students learn the unique heritage, history, culture, and government of the nearest federally recognized Indian tribe or tribes.

(c) Priority focus must be given to schools that have been identified for improvement through the Washington school improvement framework and communities historically underserved by science education. These communities can include, but are not limited to, tribal nations including tribal compact schools, migrant students, schools with high free and reduced-price lunch populations, rural and remote schools, students in alternative learning environments, students of color, English language learner students, and students receiving special education services.

(3) For the purposes of this section, a "qualified 501(c)(3) nonprofit community-based organization" means a nonprofit organization physically located in Washington state that:

(a) Has multiple years of experience collaborating with school districts across the state to provide high quality professional development to kindergarten through twelfth grade educators to teach students real-world environmental science and engineering outside the classroom;

(b) Whose materials and instructional practices align with Washington's environmental and sustainability learning standards and the Washington state learning standards, including the common core standards for mathematics and English language arts;

(c) Whose materials and instructional practices emphasize the next generation science standards to support local, relevant, and field-based learning experiences; and

(d) Delivers project-based learning materials and resources that incorporate career connections to local businesses and community-based organizations, contain professional development support for classroom teachers, have measurable assessment objectives, and have demonstrated community support."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 28A.300 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2811 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Johnson spoke in favor of the passage of the bill.

Representative Steele spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2811, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2811, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff,

Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 2811, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2905 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** The legislature recognizes that oral disease is the most common childhood chronic disease, yet is almost entirely preventable, impacting school readiness, future employability, and overall well-being and quality of life. The access to baby and child dentistry program has made Washington a leader in oral health care access across the nation, providing greater levels of access and utilization for medicaid eligible children under six years old. The legislature further recognizes that the access to baby and child dentistry program connects children to a dental home in their communities, enabling children to get off to a healthy start. While the state has made great strides, children of color continue to experience higher rates of tooth decay than their peers and children under the age of two are not accessing care at the same rate as older children. Therefore, it is the legislature's intent to expand on the program investments the state has already made to provide additional outreach and support to eligible families and providers, increase very young children's access to care, and further reduce racial and ethnic disparities in access to care and oral health outcomes.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

(1) The authority, in consultation with the office of equity, created in chapter . . . (Engrossed Second Substitute House Bill No. 1783), Laws of 2020, shall work with the statewide managing partner of the access to baby

and child dentistry program to develop a local access to baby and child dentistry program fund allocation formula, key deliverables, and target metrics for increased outreach and provider engagement and support with the goal of reducing racial and ethnic disparities.

(2) The authority, in consultation with the office of equity, created in chapter . . . (Engrossed Second Substitute House Bill No. 1783), Laws of 2020, shall collaborate with stakeholders to monitor progress toward the goals articulated in subsection (1) of this section and provide support to local access to baby and child dentistry programs and providers."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 74.09 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2905 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Johnson and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2905, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2905, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake,

Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2905, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2926 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall conduct outreach and coordinate with local law enforcement agencies, fire departments, and other first responder service providers for the purpose of expanding critical incident stress management programs to law enforcement personnel, firefighters, and other first responders statewide. The commission shall conduct an inventory of the current critical incident stress management programs in the state, including an assessment of underserved agencies and regions. The commission shall coordinate with law enforcement agencies, law enforcement organizations, community partners, fire departments, and other first response service organizations to provide greater access to critical incident stress management programs, including peer support group counselors under RCW 5.60.060, and may further assist agencies with establishing interagency and regional service agreements to facilitate expansion of these programs.

(2) The commission shall submit a preliminary report by July 1, 2021, and submit a final report, including a summary of the inventory and efforts to expand programs, by July 1, 2022, to the governor and the appropriate committees of the legislature.

(3) This section expires January 1, 2023."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 43.101 RCW; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2926 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Maycumber and Bergquist spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2926, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2926, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

HOUSE BILL NO. 2926, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED HOUSE BILL NO. 1390 as amended by the Senate passed the House.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of

Engrossed House Bill No. 1390, as amended by the Senate, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1390, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED HOUSE BILL NO. 1390, as amended by the Senate, on reconsideration, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 2.** The legislature finds that each school community member should be treated with dignity, should have the opportunity to learn, work, interact, and socialize in physically, emotionally, and intellectually safe, respectful, and positive school environments, and should have the opportunity to experience high quality relationships. The legislature recognizes that schools have the responsibility to promote conditions designed to create, maintain, and nurture a positive social and emotional school and classroom climate. Therefore, the legislature intends to require the Washington state school directors' association to develop a model policy and procedure for nurturing a positive social and emotional school and classroom

climate for all students. The legislature intends to require school districts to adopt elements of the model policy and procedure that protect the integrity of learning environments and allow school districts to adopt other elements of the model.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate. The goal of the policy and procedure is to support and promote school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students. The association shall update the model policy and procedure periodically to align with the work of the social-emotional learning committee created under RCW 28A.300.477.

(2) The model policy and procedure must include the following elements:

(a) Recognize that there is not one best way to create, maintain, and nurture a positive social and emotional school and classroom climate and consider each school's history, strengths, needs, and goals;

(b) Define and describe the essential elements of a positive social and emotional school and classroom climate, which must align with the social-emotional learning standards and benchmarks adopted by the office of the superintendent of public instruction under RCW 28A.300.478;

(c) Recognize the important role that students' families play in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate; and

(d) Describe a framework for an effective and informed positive social and emotional school and classroom climate improvement process that includes a continuous cycle of planning and preparation, evaluation, action planning, and implementation.

(3) (a) The model policy and procedure must also protect the integrity of learning environments with the following elements:

(i) School districts must provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs.

(ii) School districts must provide meaningful access to this information for families with limited English proficiency.

(b) The elements described in this subsection (3) may be included in a separate model policy and procedure.

(4) In developing the model policy and procedure described in this section, the Washington state school directors' association must:

(a) Consult with staff at the office of the superintendent of public instruction and organizations with expertise in social and emotional health and in equity, race, and inclusive learning environments;

(b) Work with the social-emotional learning committee created under RCW 28A.300.477 to align the climate improvement framework with the statewide framework for social-emotional learning;

(c) Consider the relationship between the model policy and procedure and policies related to student behaviors and student discipline; and

(d) Review research on, and examples of effective implementation of, restorative practices, collaborative and proactive practices, trauma-sensitive and trauma-informed practices, classroom management, and other topics related to the goal of the policy as identified in subsection (1) of this section.

(5) The model policy and procedure developed under this section must be posted publicly on the Washington state school directors' association's web site by March 1, 2021. Updates to the model policy and procedure must be posted publicly within a reasonable time of development.

(6) (a) By the beginning of the 2021-22 school year, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements described in

subsection (3) of this section. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy.

(b) By the beginning of the 2021-22 school year, each school district may adopt or amend if necessary policies and procedures that incorporate the elements described in subsection (2) of this section. School districts may periodically review their policies and procedures for consistency with updated versions of the model policy."

On page 1, line 2 of the title, after "climates;" strike the remainder of the title and insert "adding a new section to chapter 28A.345 RCW; and creating a new section."

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2816 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 6, 2020

Mme. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2320, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that human trafficking is a serious problem in the United States and in the state of Washington. Polaris project, the largest anti-human trafficking organization in the United States, hosts the national human trafficking hotline. Since the hotline's inception in 2007, over fifty thousand human trafficking cases have been discovered. In 2018, the hotline identified over twenty-three thousand survivors of human trafficking nationally. Human trafficking is an international problem that will continue to exploit the most vulnerable individuals in a community if proper training and identification support is not provided to the community at large.

(2) The legislature also recognizes that human trafficking is prevalent within hotels and motels across the country and in Washington. In 2018, eighty-one percent of the active sex trafficking cases in the United States involved a victim who was compelled to provide a commercial sexual act at a hotel. In 2017, forty-five percent of youth victims surveyed reported having been exploited in hotels. There is evidence to suggest that training can be an effective way of raising awareness about human trafficking. According to the Washington-based anti-trafficking group businesses ending slavery and trafficking, hoteliers who received human trafficking awareness training reported a significant increase in the likelihood that they would call law enforcement if they suspected trafficking.

(3) It is the intent of the legislature to work toward the goal of ridding hotels and other places of accommodation in Washington of human trafficking.

NEW SECTION. Sec. 2. A new section is added to chapter 70.62 RCW to read as follows:

(1) A transient accommodation shall provide annual training regarding human trafficking to each of its employees.

(2) Training must be provided to all employees no later than January 1, 2021, and to new employees no later than ninety days after they begin their employment.

(3) The training required under this section must include, at a minimum, the following:

(a) The definition of human trafficking and commercial exploitation of children, and the difference between sex trafficking and labor trafficking;

(b) Content that is culturally responsive;

(c) Guidance specific to the public lodging sector concerning how to identify individuals who may be victims of human trafficking based on behaviors and traits of trafficking regardless of race, creed, color, national origin, sex, sexual orientation, or class;

(d) Guidance concerning the role of the employees in appropriately responding to suspected human trafficking; and

(e) The contact information of appropriate agencies, including a national human trafficking hotline telephone number and the telephone numbers of appropriate local law enforcement agencies.

(4) By January 1, 2021, every operator of a transient accommodation shall post in a location conspicuous to employees signage regarding human trafficking awareness, printed in an easily legible font in English and any other language spoken by at least ten percent of the employees.

(5) By January 1, 2021, every operator of a transient accommodation shall implement procedures for the voluntary reporting of suspected human trafficking to the national human trafficking hotline or to a local law enforcement agency, and a policy to act as a guide for all employees on human trafficking prevention.

(6) Contents of the training and copies of the signage must be made available for inspection, upon request by the department.

Sec. 3. RCW 70.62.260 and 2004 c 162 s 1 are each amended to read as follows:

(1)(a) No person shall operate a transient accommodation as defined in this chapter without having a valid license issued by the department. Applications for a transient accommodation license shall be filed with the department sixty days or more before initiating business as a transient accommodation. All licenses issued under the provisions of this chapter shall expire one year from the effective date.

(b) The department may not renew or issue a license to an applicant without first receiving written certification from the applicant that the human trafficking training requirements under section 2 of this act regarding training, signage, and procedures for reporting have been met.

(2) All applications for renewal of licenses shall be either: (a) Postmarked no later than midnight on the date the license expires; or (b) if personally presented to the department or sent by electronic means, received by the department by 5:00 p.m. on the date the license expires.

(3) A licensee that submits a license renewal application in accordance with

this section and the rules and fee schedule adopted under this chapter shall be deemed to possess a valid license for the year following the expiration date of the expiring license, or until the department suspends or revokes the license pursuant to RCW 70.62.270.

(4) The license of a licensee that fails to submit a license renewal application in accordance with this section, and the rules and fee schedule adopted under this chapter, shall become invalid on the thirty-fifth day after the expiration date, unless the licensee shall have corrected any and all deficiencies in the renewal application and paid a penalty fee as established by rule by the department before the thirty-fifth day following the expiration date. An invalid license may be reinstated upon reapplication as an applicant for a new license under subsection (1) of this section.

(5) Each license shall be issued only for the premises and persons named in the application."

On page 1, line 1 of the title, after "trafficking;" strike the remainder of the title and insert "amending RCW 70.62.260; adding a new section to chapter 70.62 RCW; and creating a new section."

and the same are herewith transmitted.

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2320 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 7, 2020

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6189 and asks the House to recede therefrom,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED

SUBSTITUTE SENATE BILL NO. 6189 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, by Senators Wellman, Mullet, Pedersen, Zeiger, Kuderer, Das, Short, Wilson and C.

Clarifying eligibility for school employees' benefits board coverage. Revised for 1st Substitute: Concerning eligibility for school employees' benefits board coverage.

Representative Bergquist moved the adoption of the amendment (2177):

On page 3, after line 18, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

(1) A school employee eligible as of February 29, 2020, for the employer contribution towards benefits offered by the school employees' benefits board shall maintain their eligibility for the employer contribution under the following circumstances directly related or in response to the governor's February 29, 2020, proclamation of a state of emergency existing in all counties in the state of Washington related to the novel coronavirus (COVID-19):

(a) During any school closures or changes in school operations for the school employee;

(b) While the school employee is quarantined or required to care for a family member, as defined by RCW 49.46.210(2), who is quarantined; and

(c) In order to take care of a child as defined by RCW 49.46.210(2), when the child's:

(i) School is closed;

(ii) Regular day care facility is closed; or

(iii) Regular child care provider is unable to provide services.

(2) Requirements in subsection (1) of this section expires when the governor's state of emergency related to the novel coronavirus (COVID-19) ends.

(3) When regular school operations resume, school employees shall continue to maintain their eligibility for the employer contribution for the remainder of the school year so long as their work schedule returns to the schedule in place before February 29, 2020, or, if there is a change in schedule, so long as the new schedule, had it been in effect at the start of the school year, would have resulted in the employee being anticipated to work the minimum hours to meet benefits eligibility.

(4) Quarantine, as used in subsection (1)(b) includes only periods of isolation required by the federal government, a foreign national government, a state or local public health official, a health care provider, or an employer.

NEW SECTION. Sec. 6. 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.

Representatives Bergquist and Caldier spoke in favor of the adoption of the amendment.

Amendment (2177) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage, as amended by the House.

Representatives Bergquist and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6189, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6189, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude,

Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6189, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6404 and asks the House to recede therefrom,

and the same is herewith transmitted.

Sarah Bannister, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6404 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, by Senators Frockt, O'Ban, Dhingra, Becker, Kuderer, Rivers, Lovelett, Wellman, Pedersen, Nguyen, Darneille, Hasegawa, McCoy, Wilson, C., Das, Conway and Saldaña

Adopting prior authorization and appropriate use criteria in patient care.

Representative Cody moved the adoption of the striking amendment (2179):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, by October 1, 2020, and annually thereafter, for individual and group health plans issued by a carrier that has written at least one

percent of the total accident and health insurance premiums written by all companies authorized to offer accident and health insurance in Washington in the most recently available year, the carrier shall report to the commissioner the following aggregated and deidentified data related to the carrier's prior authorization practices and experience for the prior plan year:

(a) Lists of the ten inpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(b) Lists of the ten outpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(c) Lists of the ten inpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(d) Lists of the ten outpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved;

(e) Lists of the ten durable medical equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(f) Lists of the ten diabetes supplies and equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(g) The average determination response time in hours for prior authorization requests to the carrier with respect to each code reported under (a) through (f) of this subsection for each of the following categories of prior authorization:

(i) Expedited decisions;

(ii) Standard decisions; and

(iii) Extenuating circumstances decisions.

(2) For the October 1, 2020, reporting deadline, a carrier is not required to report data pursuant to subsection (1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), (e)(iii), or (f)(iii) of this section until April 1, 2021, if the commissioner determines that doing so constitutes a hardship.

(3) By January 1, 2021, and annually thereafter, the commissioner shall aggregate and deidentify the data collected under subsection (1) of this section into a standard report and may not identify the name of the carrier that submitted the data. The initial report due on January 1, 2021, may omit data for

which a hardship determination is made by the commissioner under subsection (2) of this section. Such data must be included in the report due on January 1, 2022. The commissioner must make the report available to interested parties.

(4) The commissioner may request additional information from carriers reporting data under this section.

(5) The commissioner may adopt rules to implement this section. In adopting rules, the commissioner must consult stakeholders including carriers, health care practitioners, health care facilities, and patients.

(6) For the purpose of this section, "prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (2179) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage, as amended by the House.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6404 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6404, amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba,

Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6404, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

March 3, 2020

Madame Speaker:

The Senate has passed THIRD SUBSTITUTE HOUSE BILL NO. 1504 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.533 and 2018 c 7 s 8 are each amended to read as follows:

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

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

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

an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

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

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

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

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

(f) The firearm enhancements in this section shall apply to all felony crimes

except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

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

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

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

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

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

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

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

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

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

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

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

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and

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

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

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

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

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

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

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

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

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

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes

committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

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

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

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

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

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

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

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

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

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

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

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

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10) (a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the

minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

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

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

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

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

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. If the addition of a minor child enhancement increases the sentence so that it would exceed the

statutory maximum for the offense, the portion of the sentence representing the enhancement (~~may not be reduced~~) shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

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

Sec. 2. RCW 9.94A.729 and 2015 c 134 s 4 are each amended to read as follows:

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

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

(2) (a) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both,

shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(b) An offender whose sentence includes any impaired driving enhancements under RCW 9.94A.533(7), minor child enhancements under RCW 9.94A.533(13), or both, shall not receive any good time credits or earned release time for any portion of his or her sentence that results from those enhancements.

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

(a) In the case of an offender sentenced pursuant to RCW 10.95.030(3) or 10.95.035, the offender may not receive any earned early release time during the minimum term of confinement imposed by the court; for any remaining portion of the sentence served by the offender, the aggregate earned release time may not exceed ten percent of the sentence.

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

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

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

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

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

(A) A sex offense;

(B) A violent offense;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(~~(+5)~~) (1)(e);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan.

A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of RCW 72.09.285. If more than two voucher recipients will be residing per dwelling unit, as defined in RCW 59.18.030, rental vouchers for those recipients may only be paid to a housing provider on the department's list;

(f) For each offender who is the recipient of a rental voucher, the department shall gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

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

Sec. 3. RCW 10.21.055 and 2016 c 203 s 16 are each amended to read as follows:

(1)(a) When any person charged with a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody at arraignment or trial on bail or personal recognizance, the court authorizing the release shall require, as a condition of release that person comply with one of the following four requirements:

(i) Have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or

(ii) Comply with 24/7 sobriety program monitoring, as defined in RCW 36.28A.330; or

(iii) Have an ignition interlock device on all motor vehicles operated by the person pursuant to (a)(i) of this subsection and submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5)(b) and (c); or

(iv) Have an ignition interlock device on all motor vehicles operated by the person and that such person agrees not to operate any motor vehicle without an ignition interlock device as required by the court. Under this subsection (1)(a)(iv), the person must file a sworn statement with the court upon release at arraignment that states the person will not operate any motor vehicle without an ignition interlock device while the ignition interlock restriction is imposed by the court. Such person must also submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5)(b) and (c).

(b) The court shall immediately notify the department of licensing when an ignition interlock restriction is imposed(~~(+ (i) As)~~) as a condition of release (~~(pursuant to (a) of this subsection)~~) or (~~((iii))~~) after conviction in instances where a person is

charged with, or convicted of, a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522 (~~(, and the offense involves alcohol)~~). If the court imposes an ignition interlock restriction, the department of licensing shall attach or imprint a notation on the driving record of any person restricted under this section stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device.

(2) (a) Upon acquittal or dismissal of all pending or current charges relating to a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, or equivalent local ordinance, the court shall authorize removal of the ignition interlock device and lift any requirement to comply with electronic alcohol/drug monitoring imposed under subsection (1) of this section. Nothing in this section limits the authority of the court or department under RCW 46.20.720.

(b) If the court authorizes removal of an ignition interlock device imposed under this section, the court shall immediately notify the department of licensing regarding the lifting of the ignition interlock restriction and the department of licensing shall release any attachment, imprint, or notation on such person's driving record relating to the ignition interlock requirement imposed under this section.

(3) When an ignition interlock restriction imposed as a condition of release is canceled, the court shall provide a defendant with a written order confirming release of the restriction. The written order shall serve as proof of release of the restriction until which time the department of licensing updates the driving record.

Sec. 4. RCW 38.52.430 and 2012 c 183 s 6 are each amended to read as follows:

A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for (1) driving while under the influence of intoxicating liquor or any drug, RCW 46.61.502; (2) physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, RCW 46.61.504; (3) operating an aircraft under the influence of intoxicants or drugs, RCW 47.68.220; (~~(3)~~) (4) use of a vessel while under

the influence of alcohol or drugs, RCW 79A.60.040; (~~(4)~~) (5) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a); or (~~(5)~~) (6) vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), is liable for the expense of an emergency response by a public agency to the incident.

The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied. Following a conviction of an offense listed in this section, and prior to sentencing, the prosecution may present to the court information setting forth the expenses incurred by the public agency for its emergency response to the incident. Upon a finding by the court that the expenses are reasonable, the court shall order the defendant to reimburse the public agency. The cost reimbursement shall be included in the sentencing order as an additional monetary obligation of the defendant and may not be substituted for any other fine or cost required or allowed by statute. The court may establish a payment schedule for the payment of the cost reimbursement, separate from any payment schedule imposed for other fines and costs. All payments for the cost reimbursement must be remitted directly to the public agency or agencies that incurred the cost associated with the emergency response.

In no event shall a person's liability under this section for the expense of an emergency response exceed two thousand five hundred dollars for a particular incident.

If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section, and the sum of the claims exceeds the amount recovered, the division of the amount recovered shall be determined by an interlocal agreement consistent with the requirements of chapter 39.34 RCW.

Sec. 5. RCW 46.20.245 and 2005 c 288 s 1 are each amended to read as follows:

(1) Whenever the department proposes to withhold the driving privilege of a person or disqualify a person from operating a commercial motor vehicle and this action is made mandatory by the provisions of this chapter or other law, the department must give notice to the person in writing by posting in the United States mail, appropriately addressed, postage prepaid, or by personal service. Notice by mail is given upon deposit in the United States mail. Notice given under this subsection must specify the date upon which the driving privilege is to be withheld which shall not be less than forty-five days after the original notice is given.

(2) For persons subject to suspension, revocation, or denial of a driver's license who are eligible for full credit under RCW 46.61.5055(9)(b)(ii), the notice in subsection (1) of this section must also notify the person of the obligation to complete the requirements under RCW 46.20.311 and pay the probationary license fee under RCW 46.20.355 by the date specified in the notice in order to avoid license suspension.

(3) Within fifteen days after notice has been given to a person under subsection (1) of this section, the person may request in writing an administrative review before the department. If the request is mailed, it must be postmarked within fifteen days after the date the department has given notice. If a person fails to request an administrative review within fifteen days after the date the department gives notice, the person is considered to have defaulted and loses his or her right to an administrative review unless the department finds good cause for a request after the fifteen-day period.

(a) An administrative review under this subsection shall consist solely of an internal review of documents and records submitted or available to the department, unless the person requests an interview before the department, in which case all or any part of the administrative review may, at the discretion of the department, be conducted by telephone or other electronic means.

(b) The only issues to be addressed in the administrative review are:

(i) Whether the records relied on by the department identify the correct person; and

(ii) Whether the information transmitted from the court or other reporting agency or entity regarding the person accurately describes the action taken by the court or other reporting agency or entity.

(c) For the purposes of this section, the notice received from a court or other reporting agency or entity, regardless of form or format, is prima facie evidence that the information from the court or other reporting agency or entity regarding the person is accurate. A person requesting administrative review has the burden of showing by a preponderance of the evidence that the person is not subject to the withholding of the driving privilege.

(d) The action subject to the notification requirements of subsection (1) of this section shall be stayed during the administrative review process.

(e) Judicial review of a department order affirming the action subject to the notification requirements of subsection (1) of this section after an administrative review shall be available in the same manner as provided in RCW 46.20.308(~~(4)~~) (8). The department shall certify its record to the court within thirty days after service upon the department of the petition for judicial review. The action subject to the notification requirements of subsection (1) of this section shall not automatically be stayed during the judicial review. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury.

~~((4))~~ (4) The department may adopt rules that are considered necessary or convenient by the department for purposes of administering this section, including, but not limited to, rules regarding expedited procedures for issuing orders and expedited notice procedures.

~~((4))~~ (5) This section does not apply where an opportunity for an informal settlement, driver improvement interview, or formal hearing is otherwise

provided by law or rule of the department.

Sec. 6. RCW 46.20.3101 and 2016 c 203 s 18 are each amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more, or that the THC concentration of the person's blood was 5.00 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days, unless the person successfully completes or is enrolled in a pretrial 24/7 sobriety program;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more, or that the THC concentration of the person's blood was above 0.00:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation

or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for (~~any portion of~~) a suspension, revocation, or denial (~~already served~~) imposed under this section for any portion of a suspension, revocation, or denial (~~imposed~~) already served under RCW 46.61.5055 arising out of the same incident. If a person has already served a suspension, revocation, or denial under RCW 46.61.5055 for a period equal to or greater than the period imposed under this section, the department shall provide notice of full credit, shall provide for no further suspension or revocation under this section, and shall impose no additional reissue fees for this credit.

Sec. 7. RCW 46.20.311 and 2016 c 203 s 12 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the (~~alcoholism~~) substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the (~~alcohol or drug~~)

~~dependency~~) substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e) (i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) ~~((#))~~ Except as provided in subsection (4) of this section, if the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the

result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred ~~((fifty))~~ seventy dollars.

(2) (a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b) (i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) ~~((#))~~ Except as provided in subsection (4) of this section, if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred ~~((fifty))~~ seventy dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcoholism))~~ substance use disorder agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the ~~((alcohol or drug dependency))~~ substance use disorder agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or

technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3) (a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) (~~+~~) Except as provided in subsection (4) of this section, if the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii)

the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred (~~fifty~~) seventy dollars.

(4) When the department reinstates a person's driver's license following a suspension, revocation, or denial under RCW 46.20.3101 or 46.61.5055, and the person is entitled to full day-for-day credit under RCW 46.20.3101(4) or 46.61.5055(9) (b) (ii) for an additional restriction arising from the same incident, the department shall impose no additional reissue fees under subsection (1) (e) (ii), (2) (b) (ii), or (3) (b) of this section associated with the additional restriction.

Sec. 8. RCW 46.20.355 and 1998 c 209 s 3 and 1998 c 41 s 5 are each reenacted and amended to read as follows:

(1) Upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504, the department of licensing shall order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 or 46.61.5055 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless

the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) If a person is eligible for full credit under RCW 46.61.5055(9)(b)(ii) and, by the date specified in the notice issued under RCW 46.20.245, has completed the requirements under RCW 46.20.311 and paid the fee under subsection (5) of this section, the department shall issue a probationary license on the date specified in the notice with no further action required of the person.

(5) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of fifty dollars in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the requirement to obtain an additional probationary license and the fifty dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

~~((5))~~ (6) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

Sec. 9. RCW 46.20.385 and 2017 c 336 s 4 are each amended to read as follows:

(1) (a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1)(b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1)(a) or (c) if the conviction is the result of a charge that

was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no

longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6) (a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of ~~((twenty))~~ twenty-one dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional fee to the department, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the ~~((twenty))~~ twenty-one dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8) (a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

Sec. 10. RCW 46.20.720 and 2019 c 232 s 22 are each amended to read as follows:

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of mandatory suspension, revocation, or denial of driving privileges, or upon fulfillment of day-for-day credit under RCW 46.61.5055(9) (b) (ii) for a suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific ((calibration setting)) alcohol set point at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) ((Calibration-)) Alcohol set point. Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall ((be calibrated to prevent)) have an alcohol set point that prevents the motor vehicle from being started when the breath sample provided has an alcohol concentration of ((0.025)) 0.020 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while ((a passenger)) one or more passengers under the age of sixteen ((was)) were in the vehicle shall be extended for an additional ((six-month)) period as required by RCW 46.61.5055(6) (a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) The period of restriction under (c) or (d) of this subsection shall be extended by one hundred eighty days whenever the department receives notice that the restricted person has been convicted under RCW 46.20.740 or 46.20.750. If the period of restriction under (c) or (d) of this subsection has been fulfilled and cannot be extended, the department must add a new one hundred eighty-day restriction that is imposed from the date of conviction and is subject to the requirements for removal under subsection (4) of this section.

(f) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

(g) The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) **Requirements for removal.** A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying ~~((that))~~ the following:

(a) That there have been none of the following incidents in the one hundred eighty consecutive days prior to the date of release:

~~((a))~~ (i) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

~~((b))~~ (ii) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

~~((c))~~ (iii) Failure to pass any random retest with a breath alcohol concentration of ~~((0.025 or))~~ lower than 0.020 unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than ~~((0.025))~~ 0.020, and the digital image confirms the same person provided both samples; ~~((e))~~

~~(d))~~ (iv) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring,

inspection, or replacement of the device; or

(v) Removal of the ignition interlock device by a person other than an ignition interlock technician certified by the Washington state patrol; and

(b) That the ignition interlock device was inspected at the conclusion of the one hundred eighty-day period by an ignition interlock technician certified by the Washington state patrol and no evidence was found that the device was tampered with in the manner described in RCW 46.20.750.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to chapter 5.50 RCW from his or her employer stating that the person's

employment requires the person to operate a vehicle owned by the employer or other persons during working hours. When the department receives a declaration under this subsection, it shall attach or imprint a notation on the person's driving record stating that the employer exemption applies.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of ~~((twenty))~~ twenty-one dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive one or more requirements for removal under subsection (4) of this section if compliance with the requirement or requirements would be impractical in the case of a person residing in another jurisdiction, provided the person is in compliance with any equivalent requirement of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

Sec. 11. RCW 46.20.740 and 2015 2nd sp.s. c 3 s 4 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720, 46.61.5055, or 10.05.140 stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving. Any time a person is convicted under this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e).

(3) Any sentence imposed for a violation of subsection (2) of this section shall be served consecutively with any sentence imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

Sec. 12. RCW 46.20.750 and 2015 2nd sp.s. c 3 s 6 are each amended to read as follows:

(1) A person who is restricted to the use of a vehicle equipped with an ignition interlock device is guilty of a gross misdemeanor if the restricted driver:

(a) Tampers with the device or any components of the device, or otherwise interferes with the proper functionality of the device, by modifying, detaching,

disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle;

(b) Uses or requests another person to use a filter or other device to circumvent the ignition interlock or to start or operate the vehicle to allow the restricted driver to operate the vehicle;

(c) Has, directs, authorizes, or requests another person to tamper with the device or any components of the device, or otherwise interfere with the proper functionality of the device, by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle; or

(d) Has, allows, directs, authorizes, or requests another person to blow or otherwise exhale into the device in order to circumvent the device to allow the restricted driver to operate the vehicle.

(2) A person who knowingly assists another person who is restricted to the use of a vehicle equipped with an ignition interlock device to circumvent the device or any components of the device, or otherwise interfere with the proper functionality of the device, or to start and operate that vehicle is guilty of a gross misdemeanor. The provisions of this subsection do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

(3) Any sentence imposed for a violation of subsection (1) of this section shall be served consecutively with any sentence imposed under RCW 46.20.740, 46.61.502, 46.61.504, 46.61.5055, 46.61.520(1)(a), or 46.61.522(1)(b).

(4) Any time a person is convicted under subsection (1) of this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e).

Sec. 13. RCW 46.55.113 and 2011 c 167 s 6 are each amended to read as follows:

(1) Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.342 or 46.20.345, the vehicle is

subject to summary impoundment, pursuant to the terms and conditions of an applicable local ordinance or state agency rule at the direction of a law enforcement officer.

(2) In addition, a police officer may take custody of a vehicle, at his or her discretion, and provide for its prompt removal to a place of safety under any of the following circumstances:

(a) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(b) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(c) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(d) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(e) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(f) Whenever a vehicle without a special license plate, placard, or decal indicating that the vehicle is being used to transport a person with disabilities under RCW 46.19.010 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(g) Upon determining that a person is operating a motor vehicle without a valid and, if required, a specially endorsed driver's license or with a license that has been expired for ninety days or more;

(h) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes

of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone;

(i) When a vehicle with an expired registration of more than forty-five days is parked on a public street;

(j) Upon determining that a person restricted to use of only a motor vehicle equipped with a functioning ignition interlock device is operating a motor vehicle that is not equipped with such a device in violation of RCW 46.20.740(2).

(3) When an arrest is made for a violation of RCW 46.20.342, if the vehicle is a commercial vehicle or farm transport vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment directed under subsection (1) of this section, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available, as long as the owner was not in the vehicle at the time of the stop and arrest and the owner has not received a prior release under this subsection or RCW 46.55.120(1)(~~(a)~~) (b) (ii).

(4) Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

(5) For purposes of this section "farm transport vehicle" means a motor vehicle owned by a farmer and that is being actively used in the transportation of the farmer's or another farmer's farm, orchard, aquatic farm, or dairy products, including livestock and plant or animal wastes, from point of production to market or disposal, or supplies or commodities to be used on the farm, orchard, aquatic farm, or dairy, and that has a gross vehicle weight rating of 7,258 kilograms (16,001 pounds) or more.

Sec. 14. RCW 46.61.500 and 2012 c 183 s 11 are each amended to read as follows:

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor punishable by imprisonment for up to three hundred sixty-four days and by a fine of not more than five thousand dollars.

(2)(a) Subject to (b) of this subsection, the license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

(b) When a reckless driving conviction is a result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, the department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under an administrative action arising out of the same incident. In the case of a person whose day-for-day credit is for a period equal to or greater than the period of suspension required under this section, the department shall provide notice of full credit, shall provide for no further suspension under this section, and shall impose no additional reissue fees for this credit. During any period of suspension, revocation, or denial due to a conviction for reckless driving as the result of a charge originally filed as a violation of RCW 46.61.502 or 46.61.504, any person who has obtained an ignition interlock driver's license under RCW 46.20.385 may continue to drive a motor vehicle pursuant to the provision of the ignition interlock driver's license without obtaining a separate temporary restricted driver's license under RCW 46.20.391.

(3)(a) Except as provided under (b) of this subsection, a person convicted of reckless driving who has one or more prior offenses as defined in RCW 46.61.5055(14) within seven years shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance.

(b) A person convicted of reckless driving shall be required, under RCW 46.20.720, to install an ignition

interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug or RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug.

Sec. 15. RCW 46.61.5055 and 2018 c 201 s 9009 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((one day))~~ twenty-four consecutive hours nor more than three hundred sixty-four days. ~~((Twenty four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~ In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court, in its discretion, may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may

restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((two days))~~ forty-eight consecutive hours nor more than three hundred sixty-four days. ~~((Forty eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~ In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court, in its discretion, may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of ~~((four days in jail and))~~ either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the

amount of alcohol the offender may consume during the time the offender is on electronic home monitoring ~~((Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based))~~; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. ~~((#))~~ Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a minimum of ~~((six days in jail and))~~ either six months of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a

portion of posttrial sentencing. The court shall order an expanded ~~((alcohol))~~ substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring ~~((Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based))~~); and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) Two prior offenses in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) Penalty for alcohol concentration less than 0.15. In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of

this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ninety days of imprisonment and one hundred twenty days of electronic home monitoring, the court may order ((at least an additional eight days in jail)) three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court shall order an expanded ((alcohol)) substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring((Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based))); and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) Penalty for alcohol concentration at least 0.15. In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there

is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of one hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring, the court may order ((at least an additional ten days in jail)) three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded ((alcohol)) substance use disorder assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring((~~One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting~~

~~the suspension and the facts upon which the suspension is based))~~; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b) (i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and

verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while ~~((a))~~ one or more passengers under the age of sixteen ~~((was))~~ were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional ~~((six))~~ twelve months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1) (a), (2) (a), or (3) (a) of this section; and order the use of an ignition interlock device for an additional eighteen months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1) (b), (2) (b), (3) (b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than one thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of sixteen, and

a fine of not less than two thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than three thousand dollars and not more than ten thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the ~~((alcohol))~~ substance use disorder assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** (a) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

~~((a))~~ (i) **Penalty for alcohol concentration less than 0.15.** If the

person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

~~((i))~~ (A) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

~~((ii))~~ (B) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

~~((iii))~~ (C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

~~((b))~~ (i) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

~~((i))~~ (A) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by ~~((an alcoholism))~~ a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

~~((ii))~~ (B) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

~~((iii))~~ (C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

~~((e))~~ (iii) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

~~((i))~~ (A) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

~~((ii))~~ (B) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

~~((iii))~~ (C) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

(b) (i) The department shall grant credit on a day-for-day basis for ~~((any portion of))~~ a suspension, revocation, or denial ~~((already served))~~ imposed under this subsection (9) for any portion of a suspension, revocation, or denial ((imposed)) already served under RCW 46.20.3101 arising out of the same incident.

(ii) If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

(c) Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

(d) Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for

three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

(e) For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that

include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, (~~alcohol or drug~~) substance use disorder treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The

alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally

filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent

local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14) (a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 16. RCW 46.61.5056 and 2018 c 201 s 9010 are each amended to read as follows:

(1) A person subject to ~~((alcohol))~~ substance use disorder assessment and treatment under RCW 46.61.5055 shall be required by the court to complete a course in an alcohol and drug information school licensed or certified by the department of health or to complete more intensive treatment in a substance use disorder treatment program licensed or certified by the department of health, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete

a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by a substance use disorder treatment program licensed or certified by the department of health or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the court and the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol and drug information school licensed or certified by the department of health or more intensive treatment in an approved substance use disorder treatment program licensed or certified by the department of health.

(3) Standards for approval for ~~((alcohol))~~ substance use disorder treatment programs shall be prescribed by the department of health. The department of health shall periodically review the costs of alcohol and drug information schools and treatment programs.

(4) Any agency that provides treatment ordered under RCW 46.61.5055, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of health of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of health. Upon three such failures by an agency within one year, the department of health shall revoke the agency's license or certification under this section.

(5) The department of licensing and the department of health may adopt such rules as are necessary to carry out this section.

Sec. 17. RCW 46.61.524 and 2008 c 231 s 46 are each amended to read as follows:

As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of

vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular assault under RCW 46.61.522(1)(b) to receive a license based upon the report provided by the designated (~~alcoholism~~) substance use disorder treatment facility or probation department designated pursuant to RCW 9.94A.703(4)(b), and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified.

Sec. 18. RCW 46.68.041 and 2004 c 95 s 15 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) (~~Sixty-three~~) Fifty-six percent of each fee collected by the department under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

NEW SECTION. Sec. 19. RCW 43.43.3951 (Ignition interlock devices—Limited exemption for companies not using devices employing fuel cell technology) and 2010 c 268 s 3 are each repealed.

NEW SECTION. Sec. 20. Sections 2, 3, 5 through 12, and 14 through 18 of this act take effect January 1, 2022."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 9.94A.533, 9.94A.729, 10.21.055, 38.52.430, 46.20.245, 46.20.3101, 46.20.311, 46.20.385, 46.20.720, 46.20.740, 46.20.750, 46.55.113, 46.61.500, 46.61.5055, 46.61.5056, 46.61.524, and 46.68.041; reenacting and amending RCW 46.20.355; repealing RCW 43.43.3951; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to THIRD SUBSTITUTE HOUSE BILL NO. 1504 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Klippert and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1504, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1504, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Chapman.

Excused: Representative Paul.

THIRD SUBSTITUTE HOUSE BILL NO. 1504, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate insists on its position on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421 and asks the House to concur.

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE

HOUSE BILL NO. 2421 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Tarleton and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2421, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2421, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Walsh.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2421, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.355.010 and 2017 3rd sp.s. c 36 s 12 are each amended to read as follows:

(1) (~~(Findings.)~~) The legislature finds that a convenient, safe, and environmentally sound system for the recycling of photovoltaic modules, minimization of hazardous waste, and

recovery of commercially valuable materials must be established. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the takeback and recycling system.

(2) (~~(Definitions. For purposes of this section the following definitions apply.)~~) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Consumer electronic device" means any device containing an electronic circuit board that is intended for everyday use by individuals, such as a watch or calculator.

(b) "Department" means the department of ecology.

(c) "Distributor" means a person who markets and sells photovoltaic modules to retailers in Washington.

(d) "Installer" means a person who assembles, installs, and maintains photovoltaic module systems.

(e) "Manufacturer" means any person in business or no longer in business but having a successor in interest who, irrespective of the selling technique used, including by means of distance or remote sale:

(i) Manufactures or has manufactured a photovoltaic module under its own brand names for use or sale in or into this state;

(ii) Assembles or has assembled a photovoltaic module that uses parts manufactured by others for use or sale in or into this state under the assembler's brand names;

(iii) Resells or has resold in or into this state under its own brand names a photovoltaic module produced by other suppliers, including retail establishments that sell photovoltaic modules under their own brand names;

(iv) Manufactures or has manufactured a cobranded photovoltaic module product for use or sale in or into this state that carries the name of both the manufacturer and a retailer;

(v) Imports or has imported a photovoltaic module into the United States that is used or sold in or into this state. However, if the imported photovoltaic module is manufactured by

any person with a presence in the United States meeting the criteria of manufacturer under ~~((a))~~ (e) (i) through ~~((d))~~ (vi) of this subsection, that person is the manufacturer;

(vi) Sells at retail a photovoltaic module acquired from an importer that is the manufacturer and elects to register as the manufacturer for those products; or

(vii) Elects to assume the responsibility and register in lieu of a manufacturer as defined under ~~((b))~~ (e) (i) through (vi) of this subsection.

~~((d))~~ (f) "Photovoltaic module" means the smallest nondivisible, environmentally protected assembly of photovoltaic cells or other photovoltaic collector technology and ancillary parts intended to generate electrical power under sunlight, except that "photovoltaic module" does not include a photovoltaic cell that is part of a consumer electronic device for which it provides electricity needed to make the consumer electronic device function. "Photovoltaic module" includes but is not limited to interconnections, terminals, and protective devices such as diodes that:

(i) Are installed on, connected to, or integral with buildings; ~~((e))~~

(ii) Are used as components of freestanding, off-grid, power generation systems, such as for powering water pumping stations, electric vehicle charging stations, fencing, street and signage lights, and other commercial or agricultural purposes; or

(iii) Are part of a system connected to the grid or utility service.

~~((e))~~ (g) "Predecessor" means an entity from which a manufacturer purchased a photovoltaic module brand, its warranty obligations, and its liabilities. "Predecessor" does not include entities from which a manufacturer purchased only manufacturing equipment.

(h) "Rare earth element" means lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, yttrium, or scandium.

~~((f))~~ (i) "Reuse" means any operation by which a photovoltaic module

or a component of a photovoltaic module changes ownership and is used for the same purpose for which it was originally purchased.

~~((g))~~ (j) "Retailer" means a person who offers photovoltaic modules for retail sale in the state through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or internet sales.

(k) "Stewardship plan" means the plan developed by a manufacturer or its designated stewardship organization for a self-directed stewardship program.

~~((h))~~ (l) "Stewardship program" means the activities conducted by a manufacturer or a stewardship organization to fulfill the requirements of this chapter and implement the activities described in its stewardship plan.

(3) ~~((Program guidance, review, and approval.))~~ The department must develop guidance for a photovoltaic module stewardship and takeback program to guide manufacturers in preparing and implementing a self-directed program to ensure the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials. By January 1, 2018, the department must establish a process to develop guidance for photovoltaic module stewardship plans by working with manufacturers, stewardship organizations, and other stakeholders on the content, review, and approval of stewardship plans. The department's process must be fully implemented and stewardship plan guidance completed by July 1, 2019.

(4) ~~((Stewardship organization as agent of manufacturer.))~~ A stewardship organization may be designated to act as an agent on behalf of a manufacturer or manufacturers in operating and implementing the stewardship program required under this chapter. Any stewardship organization that has obtained such designation must provide to the department a list of the manufacturers and brand names that the stewardship organization represents within sixty days of its designation by a manufacturer as its agent, or within sixty days of removal of such designation.

(5) ~~((Stewardship plans.))~~ Each manufacturer must prepare and submit a stewardship plan to the department by the

later of (~~January 1, 2020~~) July 1, 2022, or within thirty days of its first sale of a photovoltaic module in or into the state.

(a) A stewardship plan must, at a minimum:

(i) Describe how manufacturers will finance the takeback and recycling system, and include an adequate funding mechanism to finance the costs of collection, management, and recycling of photovoltaic modules and residuals sold in or into the state by the manufacturer with a mechanism that ensures that photovoltaic modules can be delivered to takeback locations without cost to the last owner or holder;

(ii) Accept all of their photovoltaic modules sold in or into the state after July 1, 2017;

(iii) Describe how the program will minimize the release of hazardous substances into the environment and maximize the recovery of other components, including rare earth elements and commercially valuable materials;

(iv) Provide for takeback of photovoltaic modules at locations that are within the region of the state in which (~~the~~) their photovoltaic modules were used and are as convenient as reasonably practicable, and if no such location within the region of the state exists, include an explanation for the lack of such location;

(v) Identify how relevant stakeholders, including consumers, installers, building demolition firms, and recycling and treatment facilities, will receive information required in order for them to properly dismantle, transport, and treat the end-of-life photovoltaic modules in a manner consistent with the objectives described in (a)(iii) of this subsection;

(vi) Establish performance goals, including a goal for the rate of combined reuse and recycling of collected photovoltaic modules as a percentage of the total weight of photovoltaic modules collected, which rate must be no less than eighty-five percent.

(b) A manufacturer must implement the stewardship plan.

(c) A manufacturer may periodically amend its stewardship plan. The department must approve the amendment if

it meets the requirements for plan approval outlined in the department's guidance. When submitting proposed amendments, the manufacturer must include an explanation of why such amendments are necessary.

(6) (~~(Plan approval)~~) The department must approve a stewardship plan if it determines the plan addresses each element outlined in the department's guidance.

(7) (~~(Annual report)~~) (a) Beginning April 1, (~~(2022)~~) 2024, and by April 1st in each subsequent year, a manufacturer, or its designated stewardship organization, must provide to the department a report for the previous calendar year that documents implementation of the plan and assesses achievement of the performance goals established in subsection (5)(a)(vi) of this section.

(b) The report may include any recommendations to the department or the legislature on modifications to the program that would enhance the effectiveness of the program, including management of program costs and mitigation of environmental impacts of photovoltaic modules.

(c) The manufacturer or stewardship organization must post this report on a publicly accessible web site.

(8) (~~(Enforcement)~~) Beginning (~~(January 1, 2021)~~) July 1, 2023, no manufacturer, distributor, retailer, or installer may sell or offer for sale a photovoltaic module in or into the state unless the manufacturer of the photovoltaic module has submitted to the department a stewardship plan and received plan approval.

(a) The department must send a written warning to a manufacturer that is not participating in a plan. The written warning must inform the manufacturer that it must submit a plan or participate in a plan within thirty days of the notice. The department may assess a penalty of up to ten thousand dollars upon a manufacturer for each sale that occurs in or into the state of a photovoltaic module (~~(in or into the state that occurs)~~) for which a stewardship plan has not been submitted by the manufacturer and approved by the department after the initial written warning. A manufacturer may appeal a penalty issued under this section to the superior court of Thurston

county within one hundred eighty days of receipt of the notice.

(b) The department must send a written warning to a distributor, retailer, or installer that sells or installs a photovoltaic module made by a manufacturer that is not participating in a plan. The written warning must inform the distributor, retailer, or installer that they may no longer sell or install a photovoltaic module if a stewardship plan for that brand has not been submitted by the manufacturer and approved by the department within thirty days of the notice.

(9) (~~Fee~~) The department may collect a flat fee from participating manufacturers to recover costs associated with the plan guidance, review, and approval process described in subsection (3) of this section. Other administrative costs incurred by the department for program implementation activities, including stewardship plan review and approval, enforcement, and any rule making, may be recovered by charging every manufacturer an annual fee calculated by dividing department administrative costs by the manufacturer's pro rata share of the Washington state photovoltaic module sales in the most recent preceding calendar year, based on best available information. The sole purpose of assessing the fees authorized in this subsection is to predictably and adequately fund the department's costs of administering the photovoltaic module recycling program.

(10) (~~Account~~) The photovoltaic module recycling account is created in the custody of the state treasurer. All fees collected from manufacturers under this chapter must be deposited in the account. Expenditures from the account may be used only for administering this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

(11) (~~Rule-making~~) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(12) (~~National program~~) In lieu of preparing a stewardship plan and as provided by subsection (5) of this section, a manufacturer may participate in a national program for the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials, if substantially equivalent to the intent of the state program. The department may determine substantial equivalence if it determines that the national program adequately addresses and fulfills each of the elements of a stewardship plan outlined in subsection (5)(a) of this section and includes an enforcement mechanism reasonably calculated to ensure a manufacturer's compliance with the national program. Upon issuing a determination of substantial equivalence, the department must notify affected stakeholders including the manufacturer. If the national program is discontinued or the department determines the national program is no longer substantially equivalent to the state program in Washington, the department must notify the manufacturer and the manufacturer must provide a stewardship plan as described in subsection (5)(a) of this section to the department for approval within thirty days of notification.

NEW SECTION. Sec. 2. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington State University extension energy program must convene a photovoltaic module recovery, reuse, and recycling work group to review and provide recommendations on potential methodologies for the management of end-of-life photovoltaic modules, including modules from utility scale solar projects.

(2) The membership of the work group convened under this section must include, but is not limited to, members representing:

- (a) A manufacturer of photovoltaic modules located in the state;
- (b) A manufacturer of photovoltaic modules located outside the state;
- (c) A national solar industry group;
- (d) Solar installers in the state;
- (e) A utility scale solar project;

(f) A nonprofit environmental organization with expertise in waste minimization;

(g) A city solid waste program;

(h) A county solid waste program;

(i) An organization with expertise in photovoltaic module recycling;

(j) A community-based environmental justice group; and

(k) The department of ecology.

(3) Participation in the work group convened under this section is strictly voluntary and without compensation or reimbursement.

(4) The Washington State University extension energy program must submit its findings and recommendations in a final report to the legislature and the governor, consistent with RCW 43.01.036, by December 1, 2021.

(5) This section expires January 31, 2022."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 70.355.010; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Smith, Shewmake and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2645, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2645, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers,

Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives McCaslin, Shea and Sutherland.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2645, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed HOUSE BILL NO. 2669 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.17.220 and 2019 c 384 s 2 and 2019 c 177 s 2 are each reenacted and amended to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(1) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
(2) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
(3) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
(4) Breast cancer awareness	\$ 40.00	\$ 30.00	RCW 46.68.425
(5) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030

(6) Collegiate\$ 40.00\$ 30.00 RCW 46.68.430	((23)) <u>(24)</u> \$ 40.00\$ 30.00 RCW Seattle Storm 46.68.420
(7) Endangered\$ 40.00\$ 30.00 RCW wildlife 46.68.425	((24)) <u>(25)</u> \$ 40.00\$ 30.00 RCW Seattle University 46.68.420
(8) Fred Hutch\$ 40.00\$ 30.00 RCW 46.68.420	((25)) <u>(26)</u> \$ 40.00\$ 30.00 RCW Share the road 46.68.420
(9) Gonzaga\$ 40.00\$ 30.00 RCW University 46.68.420 alumni association	((26)) <u>(27)</u> \$ 40.00\$ 30.00 RCW Ski & ride 46.68.420 Washington
(10) Helping\$ 40.00\$ 30.00 RCW kids speak 46.68.420	((27)) <u>(28)</u> \$ 40.00N/A RCW Square dancer 46.68.070
(11) Horseless\$ 35.00N/A RCW carriage 46.68.030	((28)) <u>(29)</u> \$ 40.00\$ 30.00 RCW State flower 46.68.420
(12) Keep kids\$ 45.00\$ 30.00 RCW safe 46.68.425	((29)) <u>(30)</u> \$ 40.00\$ 30.00 RCW Volunteer firefighters 46.68.420
(13) Law\$ 40.00\$ 30.00 RCW enforcement 46.68.420 memorial	((30)) <u>(31)</u> \$ 40.00\$ 30.00 RCW Washington farmers and ranchers 46.68.420
(14) Military\$ 5.00 N/A RCW affiliate 46.68.070 radio system	((31)) <u>(32)</u> \$ 40.00\$ 30.00 RCW Washington lighthouses 46.68.420
(15) Music\$ 40.00\$ 30.00 RCW matters 46.68.420	((32)) <u>(33)</u> \$ 40.00\$ 30.00 RCW Washington state aviation 46.68.420
(16) \$ 40.00\$ 30.00 RCW Professional 46.68.420 firefighters and paramedics	((33)) <u>(34)</u> \$ 40.00\$ 30.00 RCW Washington state parks 46.68.425
(17) Purple\$ 40.00\$ 30.00 RCW Heart 46.68.425	((34)) <u>(35)</u> \$ 40.00\$ 30.00 RCW Washington state wrestling 46.68.420
(18) Ride\$ 25.00N/A RCW share 46.68.030	((35)) <u>(36)</u> \$ 40.00\$ 30.00 RCW Washington tennis 46.68.420
(19) San Juan\$ 40.00\$ 30.00 RCW Islands 46.68.420	((36)) <u>(37)</u> \$ 40.00\$ 30.00 RCW Washington's fish collection 46.68.425
(20) Seattle\$ 40.00\$ 30.00 RCW Mariners 46.68.420	((37)) <u>(38)</u> \$ 40.00\$ 30.00 RCW Washington's national parks 46.68.420
(21) Seattle\$ 40.00\$ 30.00 RCW <u>NHL hockey</u> 46.68.420	((38)) <u>(39)</u> \$ 40.00\$ 30.00 RCW Washington's 46.68.425
<u>(22)</u> Seattle\$ 40.00\$ 30.00 RCW Seahawks 46.68.420	
((22)) <u>(23)</u> \$ 40.00\$ 30.00 RCW Seattle 46.68.420 Sounders FC	

wildlife collection

~~((39))~~ (40)\$ 40.00\$ 30.00 RCW
 We love our pets 46.68.420

~~((40))~~ (41)\$ 40.00\$ 30.00 RCW
 Wild on Washington 46.68.425

Sec. 2. RCW 46.18.200 and 2019 c 384 s 1 and 2019 c 177 s 1 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates, subject to subsection (5) of this section:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
4-H	Displays the "4-H" logo.
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.

Breast cancer awareness Displays a pink ribbon symbolizing breast cancer awareness.

Endangered wildlife Displays a symbol or artwork symbolizing endangered wildlife in Washington state.

Fred Hutch Displays the Fred Hutch logo.

Gonzaga University alumni association Recognizes the Gonzaga University alumni association.

Helping kids speak Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.

Keep kids safe Recognizes efforts to prevent child abuse and neglect.

Law enforcement memorial Honors law enforcement officers in Washington killed in the line of duty.

Music matters Displays the "Music Matters" logo.

Professional firefighters and paramedics Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.

San Juan Islands Displays a symbol or artwork recognizing the San Juan Islands.

Seattle Mariners Displays the "Seattle Mariners" logo.

<u>Seattle NHL hockey</u>	Displays the logo of the Seattle NHL hockey team.		destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.
Seattle Seahawks	Displays the "Seattle Seahawks" logo.		
Seattle Sounders FC	Displays the "Seattle Sounders FC" logo.	Washington state wrestling	Promotes and supports college wrestling in the state of Washington.
Seattle Storm	Displays the "Seattle Storm" logo.		
Seattle University	Recognizes Seattle University.	Washington tennis	Builds awareness and year-round opportunities for tennis in Washington state. Displays a symbol or artwork recognizing tennis in Washington state.
Share the road	Recognizes an organization that promotes bicycle safety and awareness education.		
Ski & ride Washington	Recognizes the Washington snowsports industry.	Washington's fish collection	Recognizes Washington's fish.
State flower	Recognizes the Washington state flower.	Washington's national park fund	Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.
Volunteer firefighters	Recognizes volunteer firefighters.		
Washington farmers and ranchers	Recognizes farmers and ranchers in Washington state.		
Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.		
Washington state aviation	Displays a Stearman biplane in the foreground with an image of Mount Rainier in the background.	Washington's wildlife collection	Recognizes Washington's wildlife.
Washington state parks	Recognizes Washington state parks as premier	We love our pets	Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and

perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.

Wild Washington on Symbolizes wildlife viewing in Washington state.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof of eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

(5) The department shall not issue the Seattle NHL hockey special license plate until the department receives signature sheets satisfying the requirements identified in RCW 46.18.110(2)(f).

Sec. 3. RCW 46.68.420 and 2019 c 384 s 3 and 2019 c 177 s 3 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle ((account ~~_____~~ H:\DATA\2020 JOURNAL\Journal2020\LogDay058\fund.doc)) fund until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
4-H programs	Support Washington 4-H programs
Fred Hutch	Support cancer research at the Fred Hutchinson cancer research center
Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty

	and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers		who have economic needs or face adversities to experience spectator sports or get involved in youth sports, and (b) up to twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, an equity focused program
Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents	<u>Seattle NHL hockey</u>	<u>Provide funds to the NHL Seattle foundation and to support the boundless Washington program in the following manner: (a) Fifty percent to the NHL Seattle foundation, or its successor organization, to help marginalized youth succeed in life through increased access to sports and other opportunities; (b) twenty-five percent to the office of the lieutenant governor solely to administer the boundless Washington program to facilitate opportunities for young people with physical and sensory disabilities to enjoy and experience the outdoors; and (c) twenty-five percent to the NHL Seattle foundation, or its successor organization, for providing financial support to allow youth to</u>
Music matters awareness	Promote music education in schools throughout Washington		
San Juan Islands programs	Provide funds to the Madrona institute		
Seattle Mariners	Provide funds to the sports mentoring program and to support the Washington world fellows program in the following manner: (a) Seventy-five percent to the office of the lieutenant governor solely to administer the sports mentoring program established under RCW 43.15.100, to encourage youth		

participate in
hockey

Seattle Seahawks

Provide funds to InvestED and to support the Washington world fellows program in the following manner: (a) Seventy-five percent, to InvestED, to encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning community; and (b) twenty-five percent to the office of the lieutenant governor solely to administer the Washington world fellows program, including the provision of fellowships

Seattle Sounders FC

Provide funds to Washington state mentors and the association of Washington generals created in RCW 43.15.030 in the following manner: (a) Seventy percent and the remaining proceeds, if any, to Washington state mentors, to increase the number of mentors in the state by offering mentoring grants throughout Washington state that foster positive youth development and academic success, with up to twenty percent of these proceeds authorized for program

administration costs; and (b) up to thirty percent, not to exceed forty-thousand dollars annually as adjusted for inflation by the office of financial management, to the association of Washington generals, to develop Washington state educational, veterans, international relations, and civics projects and to recognize the outstanding public service of individuals or groups in the state of Washington

Seattle Storm

Provide funds to the Washington state legislative youth advisory council and the association of Washington generals created in RCW 43.15.030 in the following manner: Twenty-five thousand dollars per year of the net proceeds to the legislative youth advisory council, or its successor organization; and the remaining net proceeds on an annual basis, to the association of Washington generals for the purpose of providing grants to support and enhance athletic, recreational, and other opportunities for women and girls, and especially

	those with disabilities		infrastructure improvements at public use airports in Washington state
Seattle University	Fund scholarships for students attending or planning to attend Seattle University	Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need
Share the road	Promote bicycle safety and awareness education in communities throughout Washington		
Ski & ride Washington	Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs	Washington state wrestling	Provide funds to the Washington state wrestling foundation to fund new and existing college wrestling programs
State flower	Support Meerkerk Rhododendron Gardens and provide for grants to other qualified nonprofit organizations' efforts to preserve rhododendrons	Washington tennis	Provide funds to cities to assist in the construction and maintenance of a public tennis facility with at least four indoor tennis courts. A city is eligible for construction funds if the city does not already have a public or private facility with at least four indoor tennis courts. Funds for construction must first be made available to the most populous eligible city, according to the most recent census, for a time period not to exceed five years after January 1, 2017. After the five-year time period, the funds for construction must be made available to the next most populous eligible city. Funds for the
Volunteer firefighters	Receive and disseminate funds for purposes on behalf of volunteer firefighters, their families, and others deemed in need		
Washington farmers and ranchers	Provide funds to the Washington FFA Foundation for educational programs in Washington state		
Washington state aviation	Provide funds to the department of transportation to support		

maintenance of a public tennis facility with at least four indoor tennis courts must first be made available to the first eligible city that utilizes funds for construction provided by chapter 16, Laws of 2016

Washington's national park fund

Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks

We love our pets

Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Except as otherwise provided in this section, only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Except as otherwise provided in this section, funds in the special license plate accounts described in

subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) Funds from the Seattle Seahawks account may be provided to the lieutenant governor solely for the purpose of administering the Washington world fellows program. Of the amounts received by the lieutenant governor's office under this subsection, at least ninety percent must be provided as fellowships under the program.

(6) Beginning January 1, 2019, funds from the Seattle Mariners account may be provided to the office of lieutenant governor solely for the purpose of administering the sports mentoring program. Of the amounts received by the office of lieutenant governor, at least ninety percent must be applied towards services directly provided to youth participants.

(7) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

NEW SECTION. Sec. 4. A new section is added to chapter 46.04 RCW to read as follows:

"Seattle NHL hockey special license plates" means special license plates issued under RCW 46.18.200 that display the logo of the national hockey league team based in Seattle.

NEW SECTION. Sec. 5. This act takes effect October 1, 2020."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "certain sports-related special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2669 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Sullivan, Irwin and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2669, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2669, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Leavitt, Rude and Senn.
Excused: Representative Paul.

HOUSE BILL NO. 2669, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 46.30 RCW to read as follows:

(1) No entity may test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle

self-certification testing pilot program unless:

(a) The entity holds an umbrella liability insurance policy that covers the entity in an amount not less than five million dollars per occurrence for damages by reason of bodily injury or death or property damage, caused by the operation of an autonomous motor vehicle for which information is provided under the autonomous vehicle self-certification testing pilot program; and

(b) The entity maintains proof of this policy with the department in a form and manner specified by the department.

(2) Requirements related to proof of motor vehicle insurance under RCW 46.30.020 and penalties for providing false evidence of motor vehicle insurance under RCW 46.30.040 are applicable to this section.

NEW SECTION. **Sec. 2.** (1) In order to test an autonomous motor vehicle on any public roadway under the department's autonomous vehicle self-certification testing pilot program, the following information must be provided by the self-certifying entity testing the autonomous motor vehicle:

(a) Contact information specified by the department;

(b) Local jurisdictions where testing is planned;

(c) The vehicle identification numbers of the autonomous vehicles being tested, provided that one is required by state or federal law; and

(d) Proof of an insurance policy that meets the requirements of section 1 of this act.

(2) Any autonomous motor vehicle to which subsection (1) of this section is applicable and that does not have a vehicle identification number and is not otherwise required under state or federal law to have a vehicle identification number assigned to it must be assigned a unique identification number that is provided to the department and that is displayed in the vehicle in a manner similar to the display of vehicle identification numbers in motor vehicles.

(3) (a) The self-certifying entity testing the autonomous motor vehicle on any public roadway must notify the department of:

(i) Any collisions that are required to be reported to law enforcement under RCW 46.52.030, involving an autonomous motor vehicle during testing on any public roadway; and

(ii) Any moving violations, as defined in administrative rule as authorized under RCW 46.20.2891, for which a citation or infraction was issued, involving an autonomous motor vehicle during testing on any public roadway.

(b) By February 1st of each year, the self-certifying entity must submit a report to the department covering reportable events from the prior calendar year.

(c) The self-certifying entity shall provide the information required by the department under (a) of this subsection. The information provided must include whether the autonomous driving system was operating the vehicle at the time of or immediately prior to the collision or moving violation, and in the case of a collision, details regarding the collision, including any loss of life, injury, or property damage that resulted from the collision.

(d) The provisions of this section are supplemental to all other rights and duties under law applicable in the event of a motor vehicle collision.

(4) The self-certifying entity testing the autonomous motor vehicle on public roadways under the department's autonomous vehicle self-certification testing pilot program must provide written notice in advance of testing to local and state law enforcement agencies with jurisdiction over any of the public roadways on which testing will occur that includes the expected period of time during which testing will occur in the applicable jurisdictions, including city police departments within city limits where testing will occur, county sheriff departments outside of city limits in counties where testing will occur, and the Washington state patrol when testing will occur on limited access highways, as defined in RCW 47.52.010. However, for testing primarily on limited access highways that travels through multiple local jurisdictions, which may include the limited incidental use of other roadways, the self-certifying entity must only provide written notice as specified in this subsection to the Washington state patrol. Written notice

provided under this subsection must: (a) Be provided not less than fourteen and not more than sixty days in advance of testing; (b) include contact information where the law enforcement agency can communicate with the self-certifying entity testing the autonomous vehicle regarding the testing planned in that jurisdiction; and (c) provide the physical description of the motor vehicle or vehicles being tested, including make, model, color, and license plate number.

(5) The department may adopt a fee to be charged by the department for self-certification in an amount sufficient to offset administration by the department of the self-certification testing pilot program.

(6) The department shall provide public access to the information self-certifying entities provide to it, and shall provide an annual report to the house and senate transportation committees of the legislature summarizing the information reported by self-certifying entities under this section.

(7) An autonomous motor vehicle may not be operated on any public roadway for the purposes of testing in Washington state until the department is provided with the information required under subsection (1) of this section.

NEW SECTION. Sec. 3. Section 2 of this act constitutes a new chapter in Title 46 RCW.

NEW SECTION. Sec. 4. Section 2 of this act takes effect October 1, 2021."

On page 1, line 2 of the title, after "vehicles;" strike the remainder of the title and insert "adding a new section to chapter 46.30 RCW; adding a new chapter to Title 46 RCW; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kloba and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2676, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2676, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hudgins, Irwin, J. Johnson, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Blake, Corry, Dent, Hoff, Jenkin, Klippert, Kraft, McCaslin, Mosbrucker, Shea, Smith, Sutherland and Walsh.

Excused: Representative Paul.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2676, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2020

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2728 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.24.061 and 2019 c 325 s 1009 are each amended to read as follows:

(1) The authority shall provide flexibility to encourage licensed or certified community behavioral health agencies to subcontract with an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health

evidence-based practice institute shall be established at the University of Washington ~~((division of public behavioral health and justice policy))~~ department of psychiatry and behavioral sciences. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, Seattle children's hospital, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the authority and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3) (a) To the extent that funds are specifically appropriated for this purpose, the authority in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall:

(i) Implement a ~~((program))~~ partnership access line to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program;

(ii) Beginning January 1, 2019, implement a two-year pilot program ~~((called the partnership access line for moms and kids))~~ to:

(A) ~~((Support))~~ Create the partnership access line for moms to support obstetricians, pediatricians, primary care providers, mental health professionals, and other health care professionals providing care to pregnant women and new mothers through same-day telephone consultations in the assessment and provision of appropriate diagnosis and treatment of depression in pregnant women and new mothers; and

(B) ~~((Facilitate))~~ Create the partnership access line for kids referral and assistance service to facilitate referrals to children's mental health services and other resources for parents and guardians with concerns related to the mental health of the parent or guardian's child. Facilitation activities include assessing the level of services needed by the child; within seven days of receiving a call from a parent or guardian, identifying mental health professionals who are in-network

with the child's health care coverage who are accepting new patients and taking appointments; coordinating contact between the parent or guardian and the mental health professional; and providing postreferral reviews to determine if the child has outstanding needs. In conducting its referral activities, the program shall collaborate with existing databases and resources to identify in-network mental health professionals.

(b) The program activities described in (a) (i) and (a) (ii) (A) of this subsection shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

(4) The authority, in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, shall report on the following:

(a) The number of individuals who have accessed the resources described in subsection (3) of this section;

(b) The number of providers, by type, who have accessed the resources described in subsection (3) of this section;

(c) Demographic information, as available, for the individuals described in (a) of this subsection. Demographic information may not include any personally identifiable information and must be limited to the individual's age, gender, and city and county of residence;

(d) A description of resources provided;

(e) Average time frames from receipt of call to referral for services or resources provided; and

(f) Systemic barriers to services, as determined and defined by the health care authority, the University of Washington department of psychiatry and behavioral sciences, and Seattle children's hospital.

(5) Beginning December 30, 2019, and annually thereafter, the authority must submit, in compliance with RCW 43.01.036, a report to the governor and appropriate committees of the legislature with findings and recommendations for improving services and service delivery from subsection (4) of this section.

(6) The authority shall enforce requirements in managed care contracts to ensure care coordination and network adequacy issues are addressed in order to remove barriers to access to mental health services identified in the report described in subsection (4) of this section.

(7) Subsections (4) through (6) of this section expire January 1, 2021.

NEW SECTION. Sec. 2. A new section is added to chapter 71.24 RCW to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose or nonstate funds are available, the authority in collaboration with the University of Washington department of psychiatry and behavioral sciences shall implement a psychiatric consultation call center to provide emergency department providers, primary care providers, and county and municipal correctional facility providers with on-demand access to psychiatric and substance use disorder clinical consultation for adult patients.

(2) When clinically appropriate and technically feasible, the clinical consultation may occur via telemedicine.

(3) Beginning in fiscal year 2021, to the extent that adequate funds are appropriated, the service shall be available seven days a week, twenty-four hours a day.

NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW to read as follows:

(1) The University of Washington department of psychiatry and behavioral health sciences shall collect the following information for the partnership access line described in RCW 71.24.061(3)(a)(i), partnership access line for moms described in RCW 71.24.061(3)(a)(ii)(A), and the psychiatric consultation line described in section 2 of this act, in coordination with any hospital that it collaborates with to administer the programs:

(a) The number of individuals served;

(b) Demographic information regarding the individuals served, as available, including the individual's age, gender, and city and county of residence. Demographic information may not include any personally identifiable information;

(c) Demographic information regarding the providers placing the calls, including type of practice, and city and county of practice;

(d) Insurance information, including health plan and carrier, as available;

(e) A description of the resources provided; and

(f) Provider satisfaction.

(2) The University of Washington department of psychiatry and behavioral health sciences shall collect the following information for the program called the partnership access line for kids referral and assistance service described in RCW 71.24.061(3)(a)(ii)(B), in coordination with any hospital that it collaborates with to administer the program:

(a) The number of individuals served;

(b) Demographic information regarding the individuals served, as available, including the individual's age, gender, and city and county of residence. Demographic information may not include any personally identifiable information;

(c) Demographic information regarding the parents or guardians placing the calls, including family location;

(d) Insurance information, including health plan and carrier, as available;

(e) A description of the resources provided;

(f) Average time frames from receipt of the call to referral for services or resources provided;

(g) The most frequently requested issues that parents and guardians are asking for assistance with;

(h) The most frequently requested issues that families are asking for referral assistance with;

(i) The number of individuals that receive an appointment based on referral assistance; and

(j) Parent or guardian satisfaction.

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning July 1, 2021, the partnership access lines described in RCW 71.24.061(3)(a), and the psychiatric

consultation line described in section 2 of this act, shall be funded as follows:

(a) The authority, in consultation with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall determine the annual costs of operating each program, as well as the authority's costs for administering the programs.

(b) For each program, the authority shall calculate the proportion of clients that are covered by programs administered pursuant to chapter 74.09 RCW. The state must cover the cost for programs administered pursuant to chapter 74.09 RCW through state and federal funds, as appropriated.

(c) (i) The authority shall collect a proportional share of program costs from each of the following entities that are not for covered lives under contract with the authority as medicaid managed care organizations:

(A) Health carriers, as defined in RCW 48.43.005;

(B) Self-funded multiple employer welfare arrangements, as defined in RCW 48.125.010;

(C) Employers or other entities that provide health care in this state, including self-funding entities or employee welfare benefit plans.

(ii) For entities listed in (c) (i) of this subsection, a proportional share of the entity's annual program costs for each program must be calculated by determining the annual cost of operating the program not covered under (b) of this subsection and multiplying it by a fraction that in which the numerator is the entity's total number of resident insured persons among the population served by the program and the denominator is the total number of residents in the state who are served by the program and not covered by programs administered pursuant to chapter 74.09 RCW. The total number of resident insured persons among the population served by the program shall be determined according to the covered lives per calendar year determined by covered person months.

(iii) The entities listed in (c) (i) of this subsection shall provide information needed to calculate the proportional share of program costs under this section to the authority.

(d) The authority's administrative costs for these programs may not be included in the assessments.

(2) The authority may contract with a third-party administrator to calculate and administer the assessments of the entities identified in subsection (1) (c) (i) of this section.

(3) The authority shall develop separate performance measures for the partnership access lines described in RCW 71.24.061(3)(a), and the psychiatric consultation line described in section 2 of this act.

(4) The University of Washington department of psychiatry and behavioral sciences, in coordination with any hospital that it collaborates with to administer the programs, shall provide quarterly reports to the authority on the demographic data collected by each program, as described in section 3 (1) and (2) of this act, any performance measures specified by the authority, and systemic barriers to services, as determined and defined by the authority, the University of Washington, and Seattle children's hospital.

NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW to read as follows:

Using data from the reports required in RCW 71.24.061(5), the legislature shall decide whether to make the partnership access line for moms and the partnership access line for kids referral and assistance programs, as described in RCW 71.24.061(3)(a)(ii), permanent programs. If the legislature decides to make the programs permanent, the programs shall be funded in the same manner as in section 2 of this act beginning July 1, 2021.

NEW SECTION. Sec. 6. A new section is added to chapter 71.24 RCW to read as follows:

(1) The joint legislative audit and review committee shall conduct a review, in consultation with the authority, the University of Washington department of psychiatry and behavioral science and Seattle children's hospital, of the programs as described in RCW 71.24.061(3)(a) and section 2 of this act, covering the period from January 1, 2019, through December 30, 2021. The review shall evaluate the programs' success at addressing patients' issues

related to access to mental health and substance use disorder services.

(2) The joint legislative audit and review committee shall submit the review, including its findings and recommendations, to the legislature by December 1, 2022.

NEW SECTION. Sec. 7. A new section is added to chapter 71.24 RCW to read as follows:

The telebehavioral health access account is created in the state treasury. All receipts from collections under section 4 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for supporting telebehavioral health programs identified in RCW 71.24.061(3)(a) and section 2 of this act.

Sec. 8. RCW 70.290.060 and 2010 c 174 s 6 are each amended to read as follows:

In addition to the duties and powers enumerated elsewhere in this chapter:

(1) The association may, pursuant to either vote of its board of directors or request of the secretary, audit compliance with reporting obligations established under the association's plan of operation. Upon failure of any entity that has been audited to reimburse the costs of such audit as certified by vote of the association's board of directors within forty-five days of notice of such vote, the secretary shall assess a civil penalty of one hundred fifty percent of the amount of such costs.

(2) The association may establish an interest charge for late payment of any assessment under this chapter. The secretary shall assess a civil penalty against any health carrier or third-party administrator that fails to pay an assessment within three months of notification under RCW 70.290.030. The civil penalty under this subsection is one hundred fifty percent of such assessment.

(3) The secretary and the association are authorized to file liens and seek judgment to recover amounts in arrears and civil penalties, and recover reasonable collection costs, including reasonable attorneys' fees and costs. Civil penalties so levied must be deposited in the universal vaccine

purchase account created in RCW 43.70.720.

(4) The secretary may adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this section.

(5) Upon request of the health care authority, the secretary and the association must provide the health care authority with any available information maintained by the association needed to calculate the proportional share of program costs under section 4 of this act."

On page 1, line 4 of the title, after "center;" strike the remainder of the title and insert "amending RCW 71.24.061 and 70.290.060; adding new sections to chapter 71.24 RCW; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2728 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Slatter and Harris spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2728, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2728, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chandler, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells,

Senn, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Caldier, Chambers, Corry, Kraft, McCaslin, Shea and Young.

Excused: Representative Paul.

SUBSTITUTE HOUSE BILL NO. 2728, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2020

Mme. SPEAKER:

The Senate receded from its amendment(s) to HOUSE BILL NO. 2739, and under suspension of the rules returned HOUSE BILL NO. 2739 to second reading for purpose of amendment(s). The Senate further adopted amendment 2739 AMS HUNT S7626.2 and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 9. RCW 41.04.655 and 2018 c 39 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.04.650 through 41.04.670, 28A.400.380, and section 7, chapter 93, Laws of 1989.

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, between family or household members as defined in RCW 26.50.010; (b) sexual assault of one family or household member by another family or household member; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

(2) "Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(3) "Parental leave" means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care (~~(, for a period of up to sixteen weeks after the birth or placement)~~).

(4) "Pregnancy disability" means a pregnancy-related medical condition or miscarriage.

(5) "Program" means the leave sharing program established in RCW 41.04.660.

(6) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(7) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.

(8) "Stalking" has the same meaning as set forth in RCW 9A.46.110.

(9) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

(10) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

(11) "Victim" means a person against whom domestic violence, sexual assault, or stalking has been committed as defined in this section.

Sec. 10. RCW 41.04.665 and 2019 c 64 s 17 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a) (i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(ii) The employee has been called to service in the uniformed services;

(iii) The employee is a current member of the uniformed services or is a veteran as defined under RCW 41.04.005, and is attending medical appointments or treatments for a service connected injury or disability;

(iv) The employee is a spouse of a current member of the uniformed services or a veteran as defined under RCW 41.04.005, who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointment or treatment;

(v) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;

(vi) The employee is a victim of domestic violence, sexual assault, or stalking;

(vii) The employee needs the time for parental leave; or

(viii) The employee is sick or temporarily disabled because of pregnancy disability;

(b) The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, temporary layoff under section 3(5), chapter 32, Laws of 2010 1st sp. sess., or stalking has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection;

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection;

(iii) Annual leave if he or she qualifies under (a)(v) or (vi) of this subsection; or

(iv) Annual leave and sick leave reserves if the employee qualifies under (a)(vii) or (viii) of this subsection (~~However, the employee is not required to deplete all of his or her annual leave and sick leave and can maintain up to forty hours of annual leave and forty hours of sick leave in reserve~~);

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i), (vi), (vii), or (viii) of this subsection; or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

(f) (~~The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection~~) (i) Until the expiration of proclamation 20-05, issued February 29, 2020, by the governor and declaring a state of emergency in the state of Washington, or any amendment thereto, whichever is later, an agency head may permit an employee to receive shared leave under this section if the employee, or a relative or household member, is isolated or quarantined as recommended, requested, or ordered by a public health official or health care provider as a result of suspected or confirmed infection with or exposure to the 2019 novel coronavirus (COVID-19). An agency head may permit use of shared leave under this subsection (1)(f) without considering the requirements of (a) through (e) of this subsection.

(ii) The office of the governor must provide notice of the expiration of proclamation 20-05, or any amendment thereto, whichever is later, to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office of the governor.

(2) (a) The agency head shall determine the amount of leave, if any, which an employee may receive under this

section. However, the agency head may not prevent an employee from using shared leave intermittently or on nonconsecutive days so long as the leave has not been returned under subsection (10) of this section. In addition, an employee shall not receive a total of more than five hundred twenty-two days of leave, except that, a supervisor may authorize leave in excess of five hundred twenty-two days in extraordinary circumstances for an employee qualifying for the shared leave program because he or she is suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature. Shared leave received under the uniformed service shared leave pool in RCW 41.04.685 is not included in this total.

(b) An employee receiving industrial insurance wage replacement benefits may not receive greater than twenty-five percent of his or her base salary from the receipt of shared leave under this section.

(3) The agency head must allow employees who are veterans, as defined under RCW 41.04.005, and their spouses, to access shared leave from the veterans' in-state service shared leave pool upon employment.

(4) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (4)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of

his or her personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(5) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(1)(b) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(6) Transfers of leave made by an agency head under subsections (4) and (5) of this section shall not exceed the requested amount.

(7) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency.

(8) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer

of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(9) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(10)(a) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Unused shared leave may not be returned until one of the following occurs:

(i) The agency head receives from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved; or

(ii) The employee is released to full-time employment; has not received additional medical treatment for his or her current condition or any other qualifying condition for at least six months; and the employee's doctor has declined, in writing, the employee's request for a statement indicating the employee's condition has been resolved.

(b) If a shared leave account is closed and an employee later has a need to use shared leave due to the same condition listed in the closed account, the agency head must approve a new shared leave request for the employee.

(c) To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(11) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used.

(12) The director of financial management may adopt rules as necessary to implement subsection (2) of this section.

(13) For the purposes of this section, "shortly deplete" means that the employee will have forty hours or less of the applicable leave types under subsection (1)(d) of this section. However, the employee is not required to deplete all of the employee's leave and can maintain up to forty hours of the applicable leave types in reserve.

NEW SECTION. Sec. 11. A new section is added to chapter 41.04 RCW to read as follows:

(1) Parental leave received under RCW 41.04.665 must be used within the sixteen weeks immediately after birth or placement, except as provided in subsection (2) of this section.

(2) If a person receiving parental leave also receives leave due to a pregnancy disability, the parental leave may be taken in the sixteen weeks immediately after the pregnancy disability leave. However, parental leave may not be used more than one year after birth.

NEW SECTION. Sec. 12. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 41.04.655 and 41.04.665; adding a new section to chapter 41.04 RCW; and declaring an emergency."

And the same is herewith transmitted,

Sarah Bannister, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2739 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Kloba and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2739, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2739, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, J. Johnson, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Paul.

HOUSE BILL NO. 2739, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2020

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that additional efforts are necessary to reduce barriers to entry to the cannabis industry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws. In the interest of establishing a cannabis industry that is equitable and accessible to those most

adversely impacted by the enforcement of drug-related laws, including cannabis-related laws, the legislature finds a social equity program should be created.

(2) The legislature finds that individuals who have been arrested or incarcerated due to drug laws, and those who have resided in areas of high poverty, suffer long-lasting adverse consequences, including impacts to employment, business ownership, housing, health, and long-term financial well-being. The legislature also finds that family members, especially children, and communities of those who have been arrested or incarcerated due to drug laws, suffer from emotional, psychological, and financial harms as a result of such arrests and incarceration. The legislature further finds that individuals in disproportionately impacted areas suffered the harms of enforcement of cannabis-related laws. Those communities face greater difficulties accessing traditional banking systems and capital for establishing businesses.

(3) The legislature therefore finds that in the interest of remedying harms resulting from the enforcement of cannabis-related laws in disproportionately impacted areas, creating a social equity program will further an equitable cannabis industry by promoting business ownership among individuals who have resided in areas of high poverty and high enforcement of cannabis-related laws. The social equity program should offer, among other things, financial and technical assistance and license application benefits to individuals most directly and adversely impacted by the enforcement of cannabis-related laws who are interested in starting cannabis business enterprises. It is the intent of the legislature that implementation of the social equity program authorized by this act not result in an increase in the number of marijuana retailer licenses above the limit on the number of marijuana retailer licenses in the state established by the board before January 1, 2020.

NEW SECTION. Sec. 2. A new section is added to chapter 69.50 RCW to read as follows:

(1) Beginning December 1, 2020, and until July 1, 2028, marijuana retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or marijuana retailer

licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of marijuana retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the marijuana retailer license requirements of this chapter.

(2) (a) In order to be considered for a retail license under subsection (1) of this section, an applicant must be a social equity applicant and submit a social equity plan along with other marijuana retailer license application requirements to the board. If the application proposes ownership by more than one person, then at least fifty-one percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing marijuana retailer license or title certificate for a marijuana retailer business in a local jurisdiction subject to a ban or moratorium on marijuana retail businesses may apply for a license under this section.

(3) (a) In determining the issuance of a license among applicants, the board may prioritize applicants based on the extent to which the application addresses the components of the social equity plan.

(b) The board may deny any application submitted under this subsection if the board determines that:

(i) The application does not meet social equity goals or does not meet social equity plan requirements; or

(ii) The application does not otherwise meet the licensing requirements of this chapter.

(4) The board may adopt rules to implement this section. Rules may include strategies for receiving advice on the social equity program from individuals the program is intended to benefit. Rules may also require that licenses awarded under this section be transferred or sold only to individuals or groups of individuals who comply with the requirements for initial licensure as a social equity applicant with a social equity plan under this section.

(5) The annual fee for issuance, reissuance, or renewal for any license

under this section must be equal to the fee established in RCW 69.50.325.

(6) For the purposes of this section:

(a) "Disproportionately impacted area" means a census tract or comparable geographic area that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs and other agencies and stakeholders as determined by the board:

(i) The area has a high poverty rate;

(ii) The area has a high rate of participation in income-based federal or state programs;

(iii) The area has a high rate of unemployment; and

(iv) The area has a high rate of arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of marijuana.

(b) "Social equity applicant" means:

(i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who have resided for at least five of the preceding ten years in a disproportionately impacted area; or

(ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a marijuana offense or is a family member of such an individual.

(c) "Social equity goals" means:

(i) Increasing the number of marijuana retailer licenses held by social equity applicants from disproportionately impacted areas; and

(ii) Reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of marijuana prohibition laws.

(d) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (6)(d), along with any additional plan components or requirements approved by the board following consultation with the task force created in section 5 of this act. The plan may include:

(i) A statement that the social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed marijuana retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;

(ii) A description of how issuing a marijuana retail license to the social equity applicant will meet social equity goals;

(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving marijuana;

(iv) The composition of the workforce the social equity applicant intends to hire;

(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing especially on disproportionately impacted areas; and

(vi) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of high rates of enforcement of marijuana prohibition.

NEW SECTION. Sec. 3. A new section is added to chapter 43.330 RCW to read as follows:

(1) The marijuana social equity technical assistance competitive grant program is established and is to be administered by the department.

(2) The marijuana social equity technical assistance competitive grant program must award grants on a competitive basis to marijuana retailer license applicants who are social equity applicants submitting social equity plans under section 2 of this act. The department must award grants primarily based on the strength of the social equity plans submitted by applicants but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding under the marijuana social equity technical assistance competitive grant program include, but are not limited to:

(a) Assistance navigating the marijuana retailer licensure process;

(b) Marijuana-business specific education and business plan development;

(c) Regulatory compliance training;

(d) Financial management training and assistance in seeking financing; and

(e) Connecting social equity applicants with established industry members and tribal marijuana enterprises and programs for mentoring and other forms of support approved by the board.

(3) Funding for the marijuana social equity technical assistance competitive grant program must be provided through the dedicated marijuana account under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

(4) The department may adopt rules to implement this section.

Sec. 4. RCW 69.50.540 and 2019 c 415 s 978 are each amended to read as follows:

The legislature must annually appropriate moneys in the dedicated marijuana account created in RCW 69.50.530 as follows:

(1) For the purposes listed in this subsection (1), the legislature must appropriate to the respective agencies amounts sufficient to make the following expenditures on a quarterly basis or as provided in this subsection:

(a) One hundred twenty-five thousand dollars to the health care authority to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and (~~state liquor and cannabis~~) board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand

administration of the healthy youth survey to student populations attending institutions of higher education in Washington;

(b) Fifty thousand dollars to the health care authority for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

(d) (i) An amount not less than one million two hundred fifty thousand dollars to the ~~((state liquor and cannabis))~~ board for administration of this chapter as appropriated in the omnibus appropriations act;

(ii) Two million six hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health;

(iii) Two million seven hundred twenty-three thousand dollars for fiscal year 2020 and two million five hundred twenty-three thousand dollars for fiscal year 2021 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2021-2023 fiscal biennium; and

(iv) Ninety-eight thousand dollars for fiscal year 2019 to the department of ecology for research on accreditation of marijuana product testing laboratories;

(e) Four hundred sixty-five thousand dollars for fiscal year 2020 and four hundred sixty-four thousand dollars for fiscal year 2021 to the department of ecology for implementation of accreditation of marijuana product testing laboratories;

(f) One hundred eighty-nine thousand dollars for fiscal year 2020 to the department of health for rule making regarding compassionate care renewals;

(g) Eight hundred eight thousand dollars for fiscal year 2020 and eight hundred eight thousand dollars for fiscal year 2021 to the department of health for the administration of the marijuana authorization database; ~~((and))~~

(h) ~~(((\$635,000 H:\DATA\2020 JOURNAL\Journal2020\LegDay058\six hundred thirty-five thousand dollars.doc)) Six hundred thirty-five thousand dollars for fiscal year 2020 and (((\$635,000 H:\DATA\2020 JOURNAL\Journal2020\LegDay058\six hundred thirty-five thousand dollars.doc)) six hundred thirty-five thousand dollars for fiscal year 2021 to the department of agriculture for compliance-based laboratory analysis of pesticides in marijuana(-)); and~~

(i) One million one hundred thousand dollars annually to the department of commerce to fund the marijuana social equity technical assistance competitive grant program under section 3 of this act; and

(2) From the amounts in the dedicated marijuana account after appropriation of the amounts identified in subsection (1) of this section, the legislature must appropriate for the purposes listed in this subsection (2) as follows:

(a) (i) Up to fifteen percent to the health care authority for the development, implementation, maintenance, and evaluation of programs and practices aimed at the prevention or reduction of maladaptive substance use, substance use disorder, substance abuse or substance dependence, as these terms are defined in the Diagnostic and Statistical Manual of Mental Disorders, among middle school and high school-age students, whether as an explicit goal of a given program or practice or as a consistently corresponding effect of its implementation, mental health services for children and youth, and services for pregnant and parenting women; PROVIDED, That:

(A) Of the funds appropriated under (a) (i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce objectively measurable results and, by

September 1, 2020, are cost-beneficial; and

(B) Up to fifteen percent of the funds appropriated under (a)(i) of this subsection for new programs and new services may be directed to proven and tested practices, emerging best practices, or promising practices.

(ii) In deciding which programs and practices to fund, the director of the health care authority must consult, at least annually, with the University of Washington's social development research group and the University of Washington's alcohol and drug abuse institute.

(iii) For each fiscal year, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

(b)(i) Up to ten percent to the department of health for the following, subject to (b)(ii) of this subsection (2):

(A) Creation, implementation, operation, and management of a marijuana education and public health program that contains the following:

(I) A marijuana use public health hotline that provides referrals to substance abuse treatment providers, utilizes evidence-based or research-based public health approaches to minimizing the harms associated with marijuana use, and does not solely advocate an abstinence-only approach;

(II) A grants program for local health departments or other local community agencies that supports development and implementation of coordinated intervention strategies for the prevention and reduction of marijuana use by youth; and

(III) Media-based education campaigns across television, internet, radio, print, and out-of-home advertising, separately targeting youth and adults, that provide medically and scientifically accurate information about the health and safety risks posed by marijuana use; and

(B) The Washington poison control center.

(ii) For each fiscal year, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

(c)(i) Up to six-tenths of one percent to the University of Washington and four-tenths of one percent to Washington State University for research on the short and long-term effects of marijuana use, to include but not be limited to formal and informal methods for estimating and measuring intoxication and impairment, and for the dissemination of such research.

(ii) For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For each fiscal year, except for the 2017-2019 and 2019-2021 fiscal biennia, the legislature must appropriate a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

(d) Fifty percent to the state basic health plan trust account to be administered by the Washington basic health plan administrator and used as provided under chapter 70.47 RCW;

(e) Five percent to the Washington state health care authority to be expended exclusively through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services as provided under RCW 41.05.220;

(f)(i) Up to three-tenths of one percent to the office of the superintendent of public instruction to fund grants to building bridges programs under chapter 28A.175 RCW.

(ii) For each fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

(i) Beginning in fiscal year 2018, if marijuana excise tax collections

deposited into the general fund in the prior fiscal year exceed twenty-five million dollars, then each fiscal year the legislature must appropriate an amount equal to thirty percent of all marijuana excise taxes deposited into the general fund the prior fiscal year to the treasurer for distribution to counties, cities, and towns as follows:

(A) Thirty percent must be distributed to counties, cities, and towns where licensed marijuana retailers are physically located. Each jurisdiction must receive a share of the revenue distribution under this subsection (2)(g)(i)(A) based on the proportional share of the total revenues generated in the individual jurisdiction from the taxes collected under RCW 69.50.535, from licensed marijuana retailers physically located in each jurisdiction. For purposes of this subsection (2)(g)(i)(A), one hundred percent of the proportional amount attributed to a retailer physically located in a city or town must be distributed to the city or town.

(B) Seventy percent must be distributed to counties, cities, and towns ratably on a per capita basis. Counties must receive sixty percent of the distribution, which must be disbursed based on each county's total proportional population. Funds may only be distributed to jurisdictions that do not prohibit the siting of any state licensed marijuana producer, processor, or retailer.

(ii) Distribution amounts allocated to each county, city, and town must be distributed in four installments by the last day of each fiscal quarter.

(iii) By September 15th of each year, the ~~((state liquor and cannabis))~~ board must provide the state treasurer the annual distribution amount, if any, for each county and city as determined in (g)(i) of this subsection (2).

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018, 2019, 2020, and 2021, and twenty million dollars per fiscal year thereafter. It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than fifteen million dollars per fiscal year.

~~((For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.))~~

NEW SECTION. Sec. 5. A new section is added to chapter 69.50 RCW to read as follows:

(1) A legislative task force on social equity in marijuana is established. The purpose of the task force is to make recommendations to the board including but not limited to establishing a social equity program for the issuance and reissuance of existing retail marijuana licenses, and to advise the governor and the legislature on policies that will facilitate development of a marijuana social equity program.

(2) The members of the task force are as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(i) One member from each of the following:

(A) The commission on African American affairs;

(B) The commission on Hispanic affairs;

(C) The governor's office of Indian affairs;

(D) An organization representing the African American community;

(E) An organization representing the Latinx community;

(F) A labor organization involved in the marijuana industry;

(G) The liquor and cannabis board;

(H) The department of commerce;

(I) The office of the attorney general; and

(J) The association of Washington cities;

(ii) Two members that currently hold a marijuana retail license; and

(iii) Two members that currently hold a producer or processor license or both.

(3) In addition to the members appointed to the task force under subsection (2) of this section, individuals representing other sectors may be invited by the chair of the task force, in consultation with the other appointed members of the task force, to participate in an advisory capacity in meetings of the task force.

(a) Individuals participating in an advisory capacity under this subsection are not members of the task force, may not vote, and are not subject to the appointment process established in this section.

(b) There is no limit to the number of individuals who may participate in task force meetings in an advisory capacity under this subsection.

(c) A majority of the task force members constitutes a quorum. If a member has not been designated for a position set forth in this section, that position may not be counted for the purpose of determining a quorum.

(4) The task force shall hold its first meeting by July 1, 2020. The task force shall elect a chair from among its legislative members at the first meeting. The election of the chair must be by a majority vote of the task force members who are present at the meeting. The chair of the task force is responsible for arranging subsequent meetings and developing meeting agendas.

(5) Staff support for the task force, including arranging the first meeting of the task force and assisting the chair of the task force in arranging subsequent meetings, must be provided by the health equity council of the governor's interagency council on health disparities. If Engrossed Second Substitute House Bill No. 1783 is enacted by June 30, 2020, then responsibility for providing staff support for the task force must be transferred to the office of equity created by Engrossed Second Substitute House Bill No. 1783 when requested by the office of equity.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by

the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) The task force is a class one group under chapter 43.03 RCW.

(9) A public comment period must be provided at every meeting of the task force.

(10) The task force shall submit one or more reports on recommended policies that will facilitate the development of a marijuana social equity program in Washington to the governor, the board, and the appropriate committees of the legislature. The task force is encouraged to submit individual recommendations, as soon as possible, to facilitate the board's early work to implement the recommendations. The final recommendations must be submitted by December 1, 2020. The recommendations must include:

(a) Factors the board must consider in distributing the licenses currently available from marijuana retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or marijuana retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of marijuana retailer licenses established by the board before January 1, 2020; and

(b) Whether any additional marijuana licenses should be issued beyond the total number of marijuana licenses that have been issued as of the effective date of this section. For purposes of determining the total number of licenses issued as of the effective date of this section, the total number includes licenses that have been forfeited, revoked, or canceled.

(11) The board may adopt rules to implement the recommendations of the task

force. However, any recommendation to increase the number of retail outlets above the current statewide limit of retail outlets, established by the board before January 1, 2020, must be approved by the legislature.

(12) This section expires June 30, 2022.

Sec. 6. RCW 69.50.325 and 2018 c 132 s 3 are each amended to read as follows:

(1) There shall be a marijuana producer's license regulated by the (~~(state liquor and cannabis)~~) board and subject to annual renewal. The licensee is authorized to produce: (a) Marijuana for sale at wholesale to marijuana processors and other marijuana producers; (b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250; and (c) immature plants or clones and seeds for sale to qualifying patients and designated providers as provided under RCW 69.51A.310. The production, possession, delivery, distribution, and sale of marijuana in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana producer, shall not be a criminal or civil offense under Washington state law. Every marijuana producer's license shall be issued in the name of the applicant, shall specify the location at which the marijuana producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana producer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana producer intends to produce marijuana.

(2) There shall be a marijuana processor's license to process, package, and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers, regulated by the (~~(state liquor and cannabis)~~) board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, marijuana-infused products, and marijuana concentrates in accordance with the provisions of this

chapter and chapter 69.51A RCW and the rules adopted to implement and enforce these chapters, by a validly licensed marijuana processor, shall not be a criminal or civil offense under Washington state law. Every marijuana processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana processor's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana processor intends to process marijuana.

(3)(a) There shall be a marijuana retailer's license to sell marijuana concentrates, useable marijuana, and marijuana-infused products at retail in retail outlets, regulated by the (~~(state liquor and cannabis)~~) board and subject to annual renewal. The possession, delivery, distribution, and sale of marijuana concentrates, useable marijuana, and marijuana-infused products in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed marijuana retailer, shall not be a criminal or civil offense under Washington state law. Every marijuana retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a marijuana retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana retailer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a marijuana retailer intends to sell marijuana concentrates, useable marijuana, and marijuana-infused products.

(b) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding

a collective total of not more than five retail marijuana licenses.

(c)(i) A marijuana retailer's license is subject to forfeiture in accordance with rules adopted by the ((~~state liquor and cannabis~~)) board pursuant to this section.

(ii) The ((~~state liquor and cannabis~~)) board shall adopt rules to establish a license forfeiture process for a licensed marijuana retailer that is not fully operational and open to the public within a specified period from the date of license issuance, as established by the ((~~state liquor and cannabis~~)) board, subject to the following restrictions:

(A) No marijuana retailer's license may be subject to forfeiture within the first nine months of license issuance; and

(B) The ((~~state liquor and cannabis~~)) board must require license forfeiture on or before twenty-four calendar months of license issuance if a marijuana retailer is not fully operational and open to the public, unless the board determines that circumstances out of the licensee's control are preventing the licensee from becoming fully operational and that, in the board's discretion, the circumstances warrant extending the forfeiture period beyond twenty-four calendar months.

(iii) The ((~~state liquor and cannabis~~)) board has discretion in adopting rules under this subsection (3)(c).

(iv) This subsection (3)(c) applies to marijuana retailer's licenses issued before and after July 23, 2017. However, no license of a marijuana retailer that otherwise meets the conditions for license forfeiture established pursuant to this subsection (3)(c) may be subject to forfeiture within the first nine calendar months of July 23, 2017.

(v) The ((~~state liquor and cannabis~~)) board may not require license forfeiture if the licensee has been incapable of opening a fully operational retail marijuana business due to actions by the city, town, or county with jurisdiction over the licensee that include any of the following:

(A) The adoption of a ban or moratorium that prohibits the opening of a retail marijuana business; or

(B) The adoption of an ordinance or regulation related to zoning, business licensing, land use, or other regulatory measure that has the effect of preventing a licensee from receiving an occupancy permit from the jurisdiction or which otherwise prevents a licensed marijuana retailer from becoming operational.

(d) The board may issue marijuana retailer licenses pursuant to this chapter and section 2 of this act.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 69.50.540 and 69.50.325; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Pettigrew spoke in favor of the passage of the bill.

Representative MacEwen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2870, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2870, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chandler, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, J. Johnson, Kilduff,

Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Ramel, Ramos, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Slatter, Springer, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Shewmake, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Young.

Excused: Representative Paul.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2870, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the third order of business.

MESSAGES FROM THE SENATE

March 10, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6574,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6617,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395,
SENATE BILL NO. 6049,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6141
SUBSTITUTE SENATE BILL NO. 6191
ENGROSSED SENATE BILL NO. 6313
ENGROSSED SUBSTITUTE SENATE BILL NO. 6440
ENGROSSED SUBSTITUTE SENATE BILL NO. 6473
SUBSTITUTE SENATE BILL NO. 6632

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2250,
HOUSE BILL NO. 2271,
SUBSTITUTE HOUSE BILL NO. 2338,
HOUSE BILL NO. 2380,
HOUSE BILL NO. 2491,
ENGROSSED HOUSE BILL NO. 2819,
HOUSE BILL NO. 2826,
HOUSE BILL NO. 2833,
HOUSE BILL NO. 2858,
HOUSE BILL NO. 2860,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1251,
SUBSTITUTE HOUSE BILL NO. 1293,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
ENGROSSED HOUSE BILL NO. 1694,
HOUSE BILL NO. 1702,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
ENGROSSED HOUSE BILL NO. 2040,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2099,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231,
HOUSE BILL NO. 2315,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318,
SUBSTITUTE HOUSE BILL NO. 2343,
SUBSTITUTE HOUSE BILL NO. 2384,
HOUSE BILL NO. 2402,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2405,
HOUSE BILL NO. 2449,
HOUSE BILL NO. 2497,
HOUSE BILL NO. 2524,
SUBSTITUTE HOUSE BILL NO. 2527,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2535,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2588,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2638,
HOUSE BILL NO. 2701,
SUBSTITUTE HOUSE BILL NO. 2787,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1645,
SUBSTITUTE HOUSE BILL NO. 1847,

ENGROSSED HOUSE BILL NO. 2188,
HOUSE BILL NO. 2217,
HOUSE BILL NO. 2229,
SUBSTITUTE HOUSE BILL NO. 2246,
SECOND SUBSTITUTE HOUSE BILL NO. 2277,
SUBSTITUTE HOUSE BILL NO. 2308,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2311,
SUBSTITUTE HOUSE BILL NO. 2419,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2455,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2467,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2518,
SUBSTITUTE HOUSE BILL NO. 2544,
SUBSTITUTE HOUSE BILL NO. 2555,
SUBSTITUTE HOUSE BILL NO. 2556,
HOUSE BILL NO. 2579,
SUBSTITUTE HOUSE BILL NO. 2607,
HOUSE BILL NO. 2624,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2731,
SUBSTITUTE HOUSE BILL NO. 2758,
HOUSE BILL NO. 2763,
SUBSTITUTE HOUSE BILL NO. 2803,
HOUSE BILL NO. 2853,
SECOND SUBSTITUTE HOUSE BILL NO. 2864,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5402,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5473,
SECOND SUBSTITUTE SENATE BILL NO. 5488,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6288,
SENATE BILL NO. 6359,
SUBSTITUTE SENATE BILL NO. 6397,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6442,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on SECOND SUBSTITUTE SENATE BILL NO. 6281. The President has appointed the following members as Conferees: Carlyle, Rivers, Dhingra

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 2456, and passed the bill without said amendments.

Brad Hendrickson, Secretary

March 10, 2020

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

THIRD SUBSTITUTE SENATE BILL NO. 5164,
ENGROSSED SENATE BILL NO. 5282,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5291,
SUBSTITUTE SENATE BILL NO. 6065,
SUBSTITUTE SENATE BILL NO. 6158,
ENGROSSED SENATE BILL NO. 6180,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6205,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 9, 2020

Mme. SPEAKER:

The President has signed:

SENATE BILL NO. 5197,
SECOND SUBSTITUTE SENATE BILL NO. 5572,
SUBSTITUTE SENATE BILL NO. 5976,
ENGROSSED SENATE BILL NO. 6032,
SENATE BILL NO. 6045,
SUBSTITUTE SENATE BILL NO. 6058,
SENATE BILL NO. 6066,
SUBSTITUTE SENATE BILL NO. 6074,
SUBSTITUTE SENATE BILL NO. 6084,
SUBSTITUTE SENATE BILL NO. 6086,
SUBSTITUTE SENATE BILL NO. 6091,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6095,
SENATE BILL NO. 6123,
SUBSTITUTE SENATE BILL NO. 6135,
SENATE BILL NO. 6212,
SENATE BILL NO. 6236,
SUBSTITUTE SENATE BILL NO. 6319,
SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6415,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6419,
SENATE BILL NO. 6430,
SUBSTITUTE SENATE BILL NO. 6499,
SENATE BILL NO. 6567,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8017,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 9, 2020

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5006,
ENGROSSED SENATE BILL NO. 5450,
ENGROSSED SENATE BILL NO. 5457,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5481,
SENATE BILL NO. 5519,
SUBSTITUTE SENATE BILL NO. 5900,
SUBSTITUTE SENATE BILL NO. 6072,
SENATE BILL NO. 6078,
SENATE BILL NO. 6102,
SENATE BILL NO. 6103,
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SENATE BILL NO. 6143,
SECOND SUBSTITUTE SENATE BILL NO. 6181,
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SUBSTITUTE SENATE BILL NO. 6206,
SUBSTITUTE SENATE BILL NO. 6256,
SUBSTITUTE SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6306,
SENATE BILL NO. 6383,
SUBSTITUTE SENATE BILL NO. 6392,
SENATE BILL NO. 6423,
SUBSTITUTE SENATE BILL NO. 6476,
SUBSTITUTE SENATE BILL NO. 6521,
SECOND SUBSTITUTE SENATE BILL NO. 6528,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6540,
ENGROSSED SENATE JOINT RESOLUTION NO. 8212,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

There being no objection, the House adjourned until
10:00 a.m., March 11, 2020, the 59th Day of the Regular
Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

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